

Tender Form for a Commercial Operators License on Council Reserve Land



Introduction

The following information must be submitted to Thames-Coromandel District Council (COUNCIL) to operate a commercial activity from mobile premises on or over a COUNCIL reserve or other COUNCIL managed land. **(Note: This excludes wharves.)**

Note the area occupied by a commercial operator is restricted to the immediate area of the activity and shall not unduly encroach onto the general public's use of a public place. The activity is temporary only, and all evidence of the business undertaking must be removed at the end of each day of operation.

Information to be provided will include details on:

- Proposed business activity and how you will deliver your service/product,
- Your visitor experience,
- Track record and relevant skills,
- Consideration of the environment as well as any cultural considerations,
- Ensuring public/customers safety is maintained at all times.

You are required to:

- Complete the ***Tender form for a Commercial Operators License on Council Reserve Land.***
- Supply all required supporting documentation.

How to submit your tender:

- Applications and supporting documentation can be emailed to: customer.services@tcdc.govt.nz. Or alternatively hard copy can be delivered to your service centre.

DUE DATE:

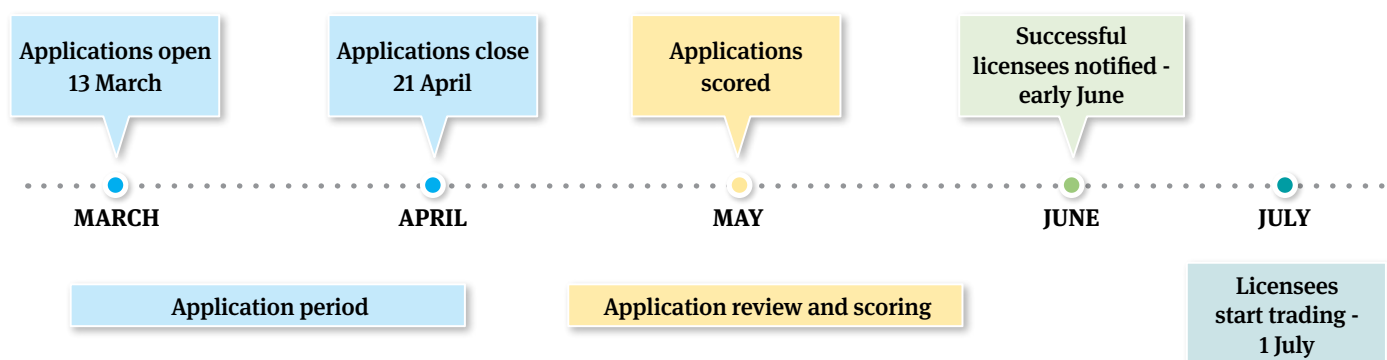
Applications must be received by **Friday 21st April**, 5pm or on the closing date shown on the website - www.tcdc.govt.nz/Commercial-Operators-Licence

1. Download and open this form in your PDF reader (eg Adobe Acrobat). 2. Fill it in and save. 3. Press 'Submit Form'. Your email application (eg gmail) will open with the form attached and the email pre-addressed to TCDC. If not, attach the form to an email to customer.services@tcdc.govt.nz. 4. You will receive a reply saying the form has been submitted.

Overview of the process for issuing a Commercial Operators License

- COUNCIL advertises to the public to submit a completed Tender Form for a Commercial Operators License on **Council Reserve Land** and provide all required documentation;
- Applications can be made for a single site or multi-site license on the same application form;
- All applications are reviewed against a set of criteria (refer to Tender Condition 7 below) and processed by a tender panel in accordance with the Temporary Commercial Activities on Reserve and other Council Managed Land Policy, copy of which may be obtained from COUNCIL.
- Tenders are scored against the set criteria and must achieve a 75% score against all criteria to enable the application to be processed;
- Approvals are made once the scoring process is complete, and the tender panel advise COUNCIL of successful tenderers;
- Once successful tenders are confirmed COUNCIL staff will contact applicants to advise the outcome and arrange the license.

High Level timetable of process



Tender Conditions

1. Communication

No communication will be entered into with any tenderers, except in the following circumstances:

- Clarification of tender documents by tenderers.
- Request for tender documents not received.
- Thames Coromandel District Council (COUNCIL) seeking clarification of submitted tenders; or
- Informing tenderers of the outcome of this tender process.

All communication/correspondence regarding the tender process between any tenderer and COUNCIL must be conducted via email.

2. Late Tenders

Late tenders will not be accepted unless in exceptional circumstances.

3. Canvassing

Tenderers must not canvass (directly or indirectly approach) any COUNCIL employees, contractors, consultants, Elected Members, or anyone who has a direct working relationship with COUNCIL. Any tenderer found canvassing or having canvassed any of these persons may be excluded from further consideration.

This condition does not prevent tenderers from communicating with the COUNCIL via email (see #1 above).

4. Offer of Gifts Prohibited

Any tenderer attempting to provide gifts, inducements, promotional products, samples or services to any COUNCIL employee, agent, consultant, Elected Members, or contractor acting on behalf of COUNCIL may be disqualified from tendering.

5. Rights Reserved by Thames-Coromandel District Council

- (a) COUNCIL reserves the right to:
- reject all or any tender response;
 - call and/or re-advertise for tender responses;
 - waive any irregularities or informalities in the tender process;
 - amend any of the tender timeframes, including the closing date and acceptance date;
 - seek clarification of any tender response;
 - suspend or cancel (in whole or in part) this tender process;
 - enter into discussions and/or negotiations with any tenderer at any time and upon any terms and conditions, before or after acceptance of a tender;
 - contact named or unnamed referees to seek feedback on a tenderer.
- (b) COUNCIL will not be bound to give any reasons for decisions made as a result of this tender process or as an outcome of tender evaluations.
- (c) The form of contract to be entered into with the successful tenderer has been provided as part of the tender documents. COUNCIL reserves the right at its sole discretion to amend the form of contract in the following circumstances:
- if the tenderer's activity, proposed use of the site or sites,
 - and/or other aspects of the tender submission necessitates amendment; and/or
 - as a result of any post-tender clarification or negotiation.

6. Subject to Contract

In submitting a tender, all tenderers agree that:

- this request for tender (including any provision contained in any of the tender documents) does not give rise to a separate contract between COUNCIL and the tenderer; and
- nothing in this request for tender (including any provision contained in any of the tender documents), or in the relationship of COUNCIL and the tenderer, imposes any duty of care on COUNCIL, and any such duty of care is expressly excluded.

7. Tender Evaluation

Each applicant will be assessed against the criteria below and given scores based on their importance to COUNCIL (demonstrated by the weightings in the table below).

In submitting a tender, all tenderers agree that:

- This is a competitive tender process.
- A weighted attributes tender evaluation method (see table below) will be used to evaluate and allocate the available tendered licenses.
- The evaluation criteria are outlined in the table below.

Criteria are as follows:

Attribute	Special Considerations	Weightings
Enhancement of visitor experience and relevance to site	<i>The COUNCIL is looking for a range of activities that will add variety, entertainment, amenity and access to food, beverage and other services that make the area a more attractive place to visit.</i> <i>Whether the appearance of the operation is appropriate for the relevant reserve will also be considered as well as the space required.</i>	40%
Track record and relevant experience	<i>The tenderer's track record and previous experience of delivering the activity/operation tendered.</i>	25%
Price	<i>The tendered license fee</i>	20%
Cultural and environmental appropriateness	<i>The consideration that the tenderer has toward cultural sensitivity and environmental appropriateness</i>	15%

8. Offer of Contract

Successful tenderers will be required to enter into the offer of contract with COUNCIL. The license term will not commence, and the successful tenderer will not be permitted to use the site, until the contract document is signed by both parties, any further required consents or approvals obtained, all relevant required documentation provided, and the tendered license fee paid.

This will take the form of either a:

- Single Site Agreement; or
- Multi-Site Agreement

The offer of contract (operators license) specifies COUNCIL's terms and conditions relating to the license. COUNCIL reserves the right to make alterations to the proposed form of contract if in its absolute discretion, the tenderer's activity, proposed use of the site(s), and/or other aspects of the tender submission necessitates this.

If tenderers strongly disagree and therefore cannot accept any of the conditions of the offer of contract, this must either be raised with the Authorised Representative as a written question prior to tender submission or submitted as a condition to the tender. If there are any conditions of the contract that a tenderer does not agree with, a detailed explanation must be provided. However, COUNCIL is under no obligation to accept any amendment proposed or change any condition of the proposed form of contract.

9. Sale of Business or Transfer of License

In the event of the sale of a business, an existing license still within the period of which it was granted may be transferred to the new owner, provided that the new owner:

- Meets all existing terms and conditions;
- Satisfies the criteria that all licenses are subject to;
- Notifies COUNCIL of its intent and submits all relevant documentation within the specified period prior to resuming operations.

10. Monitoring of License Conditions

Licensees are subject to regular monitoring of the conditions of their license and are made aware that should the terms and conditions of a license not be met, the license may be revoked and put back out to tender. This also applies to licenses that are not being utilised for a period of greater than 3 months where there is no valid explanation for non-utilisation. Valid explanations include and are not limited to:

- Natural disaster impacts
- Long term illness
- Unforeseen business interruption outside of operators control such as a pandemic
- Economic viability

COUNCIL expects that operators will engage proactively when circumstances arise that may impact their operations and will in turn proactively advise operators of its own intent.

11. License Type

There are four different types of licence:

- Single Site
- Multiple Site
- Transitory
- Start-up

For the purposes of the tender process and ongoing operations each license type is defined as follows:

- **Single/Multiple Site** – license issued to allow trading from a single site or multiple locations with fixed base or operational set up including and not limited to the temporary installation of awnings, tents and structures.
- **Transitory** – license issued to allow operators to transit across reserve land to provide alternative access where necessary undertake their activity without setting up a base or operations set-up.
- **Start-up License** – license issued to allow a new undertaking or operator to test their idea over a maximum 12 month period.

12. License Term

The license term for a Single Site, Multiple Site, and Transitory category is subject to a 3 year right of renewal clause whereby, subject to meeting the terms and conditions of the license, operators may have their license renewed for a total term of 9 years before needing to apply for a new license. The minimum 3 year review benefits both parties through building a strong working relationship and common understanding of needs.

Start-up licenses have a maximum term of 12 months at the completion of this period operators will then be able to apply for any other license types to continue the operation of their business.

13. Event Licenses

If your commercial activity is included as part of any standalone event that conflicts with your operational conditions of this license, the event license will take precedence. This means that all operating conditions such as location, hours, health and safety requirements will be the responsibility of the event owner and will not impact your commercial license to operate on council owned reserves.

Section One - Applicant Details

We are applying for a Commercial Operator’s License as a: *(tick appropriate box)*

☐ Private Operator

☐ Company

☐ Partnership

☐ Club

Name/Company/
Partnership/Club:

Trading as
(if applicable):

Name:

Phone
Number:

Email
Address:

Postal Address:
(for service documents):

Is the applicant a company? ☐ YES ☐ NO

If YES, please confirm the date and place of incorporation together with full details of each director including name, address and contact details.

Date of Incorporation		
Location of Incorporation		
Director Name	Address	Contact Details

Invoice *(tick appropriate box)*

☐ Company

Contact person:

☐ Other

Please specify:

Application Type *(tick appropriate box)*

☐ Food/Beverage

☐ Recreation

☐ Other

Please specify:

Section Two - Site Details

Please indicate what COUNCIL reserve or other land you wish to operate on. Select from the list in schedule one (attached) or the Temporary Commercial Activities on Reserve and other COUNCIL Managed Land Policy.

Note: if multiple locations are required please list all locations you will apply for below

(Note: This application does not include wharves.)

Is this applicant for (tick all that apply): ☐ Single Site only ☐ Multiple Site ☐ Transitory License ☐ Start-up License (12 months max)

Site/Location Name	Community Board Area (refer to Schedule One)	License Type (please list)

Days of Required Operation	Normal Hours of Required Operation	
	START TIME	CLOSE TIME
MONDAY		
TUESDAY		
WEDNESDAY		
THURSDAY		
FRIDAY		
SATURDAY		
SUNDAY		

NB: If your activity or operation is part of a larger event, then the event license will cover operational hours and will not impact this license.

Site Plan:

Provide a site plan (using appropriate mapping) such as an aerial/Google/SMART map of each reserve that you would like to operate from.

This should include:

- ☐ All entry and exit points, including access for emergency vehicles.
- ☐ The location and boundary and number of all structure/s (including marquees/sunshade, tables) and where relevant nearest toilet facilities.
- ☐ Any area where business vehicles and related business equipment are to be located.
- ☐ Does your business require access to power? Please outline on your map the location of the power source. Any COUNCIL power supply used will be at the expense of the operator.

Is your commercial activity a marine activity?

If NO please move to Equipment Required

☐

YES

☐

NO

Does your vessel/ship have an engine?

*Please outline which classification applies to your ship
(as defined in the Maritime Transport Act 1994).*

☐

YES

☐

NO

Please outline below what regulations govern the operation of your marine activity

Please list all consents your commercial activity requires from other authorities external to TCDC (such as Department of Conservation or Waikato Regional Council):

Has the applicant(s), currently or previously received any infringements and/or under investigation from Waikato Regional Council or WorkSafe NZ, for breaching WRC Maritime Bylaws?

☐

YES

☐

NO

If YES please provide full details and outcome:

Equipment Required

List the core equipment you would use for the activity/activities (e.g. vehicles for transportation or vending; kayaks, ship/vessel):

Core Equipment <i>(please list)</i>	Registration Number <i>(if relevant)</i>
Eg: Ford Ranger	Eg: ABC123

Service Delivery

Outline how the service or product/activity will be delivered from the customer/client perspective (for example this could be taken from your food and beverage documentation supplied to council):

Section Three - Enhancement of Visitor Experience and Relevance to Site (40%)
(If you have more detail, please use a separate sheet.)

Describe the proposed activity and any proposed benefits to the public and community:

Provide a description of any part of your commercial activity which may restrict public access within the public place:

Section Four - Track Record and Relevant Experience (25%)

(If you have more detail, please use a separate sheet.)

Please provide a statement detailing your relevant experience and technical skill in operating the commercial activity, including the number of years in chosen or related industry.

Describe the management skills which will be used, including qualifications, and/or professional memberships that show adherence to credited national or international standards for your activity, training and/or experience.

Provide a Health & Safety Plan for your activity or operation. Your plan should show a thorough understanding of your activity, the risks and how you mitigate them. This can be in the form of a Risk Analysis Management (RAM) form. Please note that if you are part of a one-off event the Health and Safety plan for that event will supersede your plan.

The plan needs to manage risk to Health & Safety which may arise from the commercial activity or the location where the activity operates from. It also needs to meet the requirements of the Health & Safety Work Act 2015, as well as all relevant regulations, standards and approved codes of practice. More information is available on **[worksafe.govt.nz](https://www.worksafe.govt.nz)**

Please provide the contact names, addresses and phone numbers for two referees.

Section Five - Cultural and Environmental Appropriateness (15%)

You are encouraged to obtain support from all of the premises adjacent to the proposed site as well as any other stakeholders, such as Mana Whenua, that may be affected by your proposed activity. You can do this by consulting with Mana Whenua to identify any concerns, and then incorporating into your plans (and highlighting in this application) any specific means by which you will address any issues or concerns raised.

Being respectful of Iwi, what considerations or engagement have you made in order to understand the whenua on which you operate?

How will the activity show kaitiakitanga/guardianship for the environment?
(Please consider your approach to sustainability, recycling, toilet facilities, and litter management.)

Section Six – Marketing/Advertising Plan

Provide a brief outline of your marketing plan including examples of any relevant advertising and promotional material. *(If required submit as a separate document.) All signage included in your marketing plan must adhere to copyright law, and any signage restrictions in TCDC bylaws. You may include images of your signage to assist your application.*

Section Seven - Price (20%)

Tender Fee Price Guide

Posted ranges below are an indication of the value of available sites across the entire Thames-Coromandel District. Ranges start at the *minimum* expected per annum price for a site and are inclusive of GST.

Current Annual Fees	Indicative Range
Single Site – One site only in one Community Board Area. <i>(See Schedule One)</i>	\$350 – \$750 P.A.
Multiple Site – Multiple sites across one or many Community Board areas <i>(see Schedule One)</i> . Price is per site.	\$350 – \$750 P.A.
Transitory Site – Category to access across sites with no structures or obstructions added. Price is per site.	\$50 P.A.
Start-up License – 12 month license for a new venture.	Based on proposal

Important information in regard to Tender Pricing:

- Tendered amounts are an **annual amount** over the course of the license.
- Single Site, Multiple Site, and Transitory Licenses are granted for up to a 9 year period.
- Start-up Licenses are for a maximum 12 month period.
- The amount you tender should be based on what you believe the trading opportunity to be worth to you in addition to any base fee required.
- The tendered fee is one of four attributes used to evaluate tenders and counts toward 20% of your total score.
- Pricing is subject to a 3 year right of renewal process and as such may be adjusted to reflect Consumer Price Index (CPI).
- The tendered fee will be invoiced annually.

If your tender is successful, you will be issued with a COUNCIL invoice and will be required to pay the full annual tender fee you offered. All tender fees will be payable in accordance with COUNCIL’s standard terms of trade, i.e. payment by the 20th of the month following the invoice date.

Please note: no refund/part refund of your tender fee is given if you were unable to trade due to bad weather.

You are not permitted to tag or impose any conditions on your tendered licence fee. There is no right or ability for you to enter into negotiation about the amount of your tender licence fee once it has been accepted. Licenses are subject to a 3 month non-utilisation clause as per condition 10 in the terms and conditions.

Please outline the amount of your annual tender licence fee per site below (inclusive of GST):

Site/Location Name	License Type	Site Tender Amount <i>(inclusive of GST)</i>
TOTAL ANNUAL tender licence fee:		

Section Eight - Privacy Notification

The information you provide will be used for the purpose of assessing the application for a Commercial Operators License. You understand that COUNCIL must act in accordance with the requirements of the Local Government Official Information and Meetings Act 1987 and the Privacy Act 2020, and that the information may be made publicly available. Personal information will be held and used in accordance with the COUNCIL's privacy statement available at **tcdc.govt.nz** and the Privacy Act 2020. Under this Act you may request access to and request correction of any personal information held by the COUNCIL. Please let us know which parts of your application contains commercially sensitive information or other information you consider should not be publicly disclosed.

The Licensee must comply with the Council Bylaws. These can be viewed on **tcdc.govt.nz**

The Licensee agrees that the cost of any works (new or remedial) required for the commercial activity will be paid by the Licensee.

Applicant
Name

Signature

Date (DD/MM/YYYY)

Section Nine - Mandatory Documentation Required

Without these documents, COUNCIL can refuse to evaluate your application.

☐ Detailed current aerial site map of the reserve (A4)
The areas to be used for the commercial activity, including the location of marquees, vehicles, stalls, and the principal/main entrance;

☐ Public Liability Insurance Certificate;

☐ Health & Safety Plan. Risk Analysis and Management Program (RAM);

☐ Marine Activities:
(if applicable)

Vessel/Ship with engine:

☐ Marine Operators Certificate

☐ Valid Skippers Qualification

Vessel/Ship in scope of regulations:

☐ Confirmation of successful audit documents

☐ Confirmation of being listed as an approved agent

Vessel/Ship out of scope of regulations:

☐ Current letter from Work Safe confirming that the activities are outside the scope of the regulations

☐ Marketing Material.

Section 10 - Declaration

By signing below, I declare that on behalf of the tenderer:

- The tenderer has read and understood the information provided in this tender form and the documents referenced in it.
- The tenderer has considered all risks, contingencies and other circumstances that may have an effect on its tender response.
- The tenderer warrants that its tender response is complete, true and accurate in all respects.
- If the tender is accepted, the tenderer agrees to promptly enter into the required form of contract with COUNCIL, obtain any further required consents or approvals, submit all relevant required documentation and pay the tender license fee to COUNCIL. The tenderer understands that until these requirements are met, the license term will not commence, and the tenderer will not be permitted to use the site.

Declared at

this

day of

Signed for and on behalf of the Tenderer

Full name and designation

Schedule 1 – Tendered Sites Available

Community Board Area	Locality	Site	Type & Number of licences		Total number of licences
			Food / produce	Activity	
Thames Ward	Thames	Rhodes Park	2		2
		Shoppers Carpark, Queen Street Thames	1		1
Coromandel - Colville	Port Charles	Sandy Bay	1	1	1
Whangamatā	Whangamatā	Beach Road	2	2	4
		Hunt Road	1	1	2
		Williamson Park	1	1	2
		Island View Reserve	1	1	2
		Beach Access 11 – Pipi Road		1	1
		Beach Access 15 – Hinemoa St	1	1	1
	Onemana	Onemana Beach Reserve <i>*The food license at Onemana Beach Reserve can only operate in the carpark off Oratia Place.</i>	1	1	2
Pāuanui-Tairua	Pāuanui	Surf Club Reserve (Beach Access 7)	1	1	2
		Mountain Vista Place (Beach Access 12)	1	1	1
		Pleasant Point Reserve		1	1
		Royal Billy Point	1	1	2
		South End Pāuanui Beach Reserve	1	1	2
	Tairua	Ocean Beach – North End	1		1
		Pepe Reserve		1	1
		Mary Beach Reserve	1	1	2
		Te Karo Bay	1	1	2
		Tangimoana Esplanade Reserve	1	1	2
Mercury Bay Ward	Hot Water Beach	Te Puia – Hot Water Beach	1	1	2
	Whangapoua	Meri Te Tai Mangakahia Reserve (William Mangakahia End)	1	1	2
	Whitianga	Buffalo Beach Reserve (South of Taputapuatea Stream)	2	2	4
		Taylor's Mistake		1	1
		Mercury Bay Multisport Park	1		1
		Buffalo Beach – Esplanade Reserve		3	3
		Ohuka (Brophy's Beach)	1	2	3
		Robinson Road Estuary		2	2
	Hahei	Hahei Beach Recreation Reserve		3	3
		Ko Tahuri-ki-te- Rangi Reserve (Wigmore Stream)		2	2
	Cooks Beach	Purangi Reserve	1	3	4
		Cooks Beach Central Reserve		3	3
	Ferry Landing	Front Beach – Whakapenui Point Reserve		1	1
	Kuaotunu	Kuaotunu Recreational Reserve		1	1
		Quarry Point Boat Ramp		1	1
		Rings Beach West Reserve		1	1
	Matarangi	The Village Green – Matarangi	1	1	2
		Central (Dune) Reserve	1		1
		Bluff Road Reserve		1	1
	Wharekaho	Kahuriwhenua Reserve (Simpsons Beach)		1	1
	Matapaua Bay	Matapaua Bay Road		1	1
	Otama	Otama Beach Carpark – West end of beach		1	1