

ESTIMATES COMMITTEE

Question Taken on Notice

Date: 21 June 2016 **Output:** 1.3 Homelands, Outstations and Town Camps

Subject: Tender Documents for the Town Camp Review

From: Minister Bess Price

To:

Agency: Department of Local Government and Community Services

Number: 6.7

Question: Provide tenders documents for the town camp review?

Answer: Attached is the Town Camp Review Expression of Interest document.

There is no tender document as the tender scope is currently being put together. The tender is the second stage of the process after the Expressions of Interest have been received and assessed.

LEGISLATIVE ASSEMBLY OF THE NT
TABLED DOCUMENTS

Committee: *Estimates*
Paper No: *6.7* Date: *21/6/16*
Tabled By: *Price*
Signed: *[Signature]*



EXPRESSION OF INTEREST

EOI NUMBER	D16-0118
EOI TITLE	EXPRESSION OF INTEREST – NORTHERN TERRITORY TOWN CAMPS REVIEW
CLOSE DATE	2.00 PM AUSTRALIAN CENTRAL STANDARD TIME MONDAY, 23 MAY 2016 (LATE EOI RESPONSES MAY NOT BE ACCEPTED)

HOW TO RESPOND TO THIS EXPRESSION OF INTEREST

Complete the Expression of Interest (EOI) Response Form attached to this EOI document. This will become your Response which may be lodged in any of the following ways:

By Electronic lodgement facility at: www.nt.gov.au/tenders

By FAX to: 08 8999 1935

Note: no other form of delivery is acceptable

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THE EOI RESPONSE FORM IS ATTACHED TO THIS EXPRESSION OF INTEREST DOCUMENT

1. CONDITIONS OF LODGEMENT

1.1 DEFINITIONS

The following definitions apply to this Expression of Interest (EOI):

'Addendum' means any document expressly stated to be an Addendum, which is issued by the Principal varying, updating or clarifying the EOI prior to the stated closing time and date for closing of the EOI.

'DLGCS' means the Northern Territory Department of Local Government and Community Services.

'Expression of Interest (EOI)' means this document (including attachments) and any addendum.

'Principal' means the Northern Territory Government of Australia, represented by DLGCS.

'Proponent' means the person lodging the EOI.

1.2 LODGEMENT OF RESPONSE

Response shall be in the form required by Clause 1.3 "Documents to be Lodged with Response Form".

All Responses must be marked with the Expression of Interest (EOI) number and closing date.

Oral responses will not be considered.

1.1.1. Closing Time and Date

Responses will close at the time and on the date stated on the front cover of this EOI.

1.1.2. Sent By Facsimile

Responses sent by facsimile must be directed to the facsimile number stated on the cover of this EOI. Please ensure you reference the Expression of Interest (EOI) number and the word "CONFIDENTIAL".

Where facsimile lodgement is used, Responses must be faxed in full, by the closing time and date stated on the cover of this EOI. Responses transmitted by facsimile that are not received in full by the stated closing time and date will be deemed late and may not be admitted for consideration.

If, for any reason, the faxed Response submitted becomes corrupt, illegible, inadequate or incomplete as a result of transmission, storage, etc. a hard copy or a further faxed copy of the Response must be provided by the Proponent on request from the Principal.

1.1.3. Lodged via Electronic Delivery

The EOI submission form (and supporting documentation, where required) should be lodged in electronic format at www.nt.gov.au/tenders by **2.00 PM (ACST) on Monday, 23 May 2016**. An acknowledgement of lodgement will be issued automatically. Failure to receive a receipt should be considered as a failure to lodge the proposal, and proponents are encouraged to resubmit the proposal if this occurs.

1.1.4. Late Response

Responses received after the stated time and date for closing of EOI may not be admitted for consideration.

Notwithstanding the preceding paragraph responses submitted by facsimile or electronic option, may be considered only if it can be established to the satisfaction of the Principal that they were submitted before the stated date and time for closing, as evidenced in the acknowledgment of receipt from the Principal.

1.3 DOCUMENTS TO BE LODGED WITH RESPONSE FORM

Responses shall be submitted in English. The Proponent shall complete in full and submit the documents listed in the Annexure to the Conditions of Lodgement.

Any Response that does not comply with these conditions or which contains provisions not required or allowed by the EOI may be regarded as informal and rejected.

CONDITIONS OF LODGEMENT

The Principal will neither be responsible for, nor pay for, any expense or loss, which may be incurred by Proponents in the preparation of its Response.

Once lodged, the Response shall become the property of the Principal and will not be returned to Proponents.

Unless lodging via www.nt.gov.au/tenders, the Proponent shall sign its Response as indicated below, and have the signature witnessed.

- (a) In the case of a corporation:
 - (i) With its common seal, and the fixing of the seal witnessed by:
 - 2 directors of the company; or
 - a director and a company secretary of the company; or
 - for a proprietary company that has a sole director who is also the sole company secretary – that director; or
 - (ii) Without its common seal, if signed by:
 - 2 directors of the company; or
 - a director and a company secretary of the company; or
 - for a proprietary company that has a sole director who is also the sole company secretary – that director; or
 - (iii) By signature of two persons (other than the persons described in clause [ii]) authorised by the corporation to bind it in Contract. In such circumstances a copy of the authorisation duly executed by the corporation in accordance with clause (i) or (ii) must be submitted with the EOI.
- (b) In the case of a firm (including a firm trading under a business or trading name and a partnership):
 - (i) By signature of each proprietor of the firm.
 - (ii) Or in the case of firms having more than five proprietors, by signature of the proprietors authorised to bind the firm in Contract. In the case of the later evidence of the authority of those proprietors to bind the firm may be required by the Principal.
 - (iii) Any proprietor who is a corporation must sign the EOI in the manner indicated in paragraph above.

Where the Response is from a:

- (a) person or persons, full given names are to be provided.
- (b) firm or business or trading name, full given names of each member of the firm are to be provided.
- (c) company, the full name and registered address are to be provided.

Each Response shall contain the Proponent's ACN/ABN and an address for service of any notices necessary or required to be or which may be served on or given to the Proponent in connection with its Response.

1.4 DISCLAIMER

This EOI is an invitation to industry to express an interest in this project to the Principal. This EOI and any communications made or documents issued by or on behalf of the Principal in any way connected with the project shall not be construed, interpreted or relied upon, whether expressly or implied, as an offer capable of acceptance by any person, or as the acceptance of an offer by the Principal, or as creating any form of contractual, quasi-contractual, restitutionary or other rights or obligations, whether in respect of the provision or procurement of services, the conduct of the initiative or otherwise.

No binding contract or other understanding (including, without limitation, quasi-contractual rights, promissory estoppel, or rights based upon similar legal theories) will exist between the Principal and a Proponent unless and until a formal written contract is signed by the Principal and the Proponent/s.

Whilst care has been taken in the preparation of the information contained in this document and its attachments, and it is believed to be accurate, neither the Principal nor any of its officers, employees, agents or advisers give any warranty, express or implied, as to the completeness or accuracy of the information.

ANNEXURE TO THE CONDITIONS OF LODGEMENT

1. For enquiries contact	Name	Procurement Services
	Telephone	(08) 8999 8428
	Email	ProcurementServices.Enquiries@nt.gov.au
	Date	Enquiries to be lodged by COB Thursday, 19 May 2016

2. Documents to be lodged with EOI	
	EXPRESSION OF INTEREST RESPONSE FORM CLAIMS AGAINST ASSESSMENT CRITERIA

2. SCOPE OF REQUIREMENT

2.1 INTRODUCTION

The Principal, through the Department of Local Government and Community Services (DLGCS) is seeking Expressions of Interest (EOI) from suitably qualified consultants who have the relevant experience and capacity to undertake an independent, comprehensive and inclusive review of 43 town camps across the Northern Territory.

2.2 BACKGROUND

The 43 town camps are located in Darwin, Alice Springs, Katherine, Adelaide River, Tennant Creek, Elliott, Borroloola, Jabiru, Pine Creek and Mataranka. DLGCS has administrative responsibility for these town camps and provides a funding contribution to the cost of living for municipal and essential services which includes road maintenance, waste disposal, and electricity, water and sewerage systems operations and maintenance.

DLGCS also further contributes to the cost of housing repairs and maintenance in 18 of these town camps (366 house in total). Residents are responsible for meeting all other costs and for the upkeep of their houses and facilities; however the infrastructure and housing in the town camps is generally very poor. There is currently no funding available for upgrades to this infrastructure or the construction of new houses.

Town camps are considered as privately owned under current lease arrangements; however there appears to be little understanding by lease holders and residents regarding ownership and their rights, responsibilities and entitlements. Furthermore, town camps are held under various tenure types and governed by various pieces of legislation, including Commonwealth legislation. The organisations holding the town camp leases face many challenges, including with financial, administrative and fiduciary capacity and capability. The review aims to address these challenges.

2.3 PURPOSE / OBJECTIVE

The purpose and objective of the review is to provide a comprehensive and independent assessment of NT Town Camps addressing and including areas such as:

- lease arrangements
- infrastructure assessment
- service delivery
- housing
- legislation
- challenges and opportunities specific to each town camp
- capacity for local organisations or companies to be engaged in the economy.

The review will provide residents, lease holders and government with comprehensive information to make informed and appropriate decisions through a place-based approach specific to each town camp. The findings of the review will also be considered on a place-based principle and include collaboration and agreement on the best strategic approach for improving living conditions in the town camps.

The review will be conducted in conjunction with all key stakeholders.

2.4 TOWN CAMP REVIEW SCOPE

The scope of the review will include four key phases as outlined below.

2.4.1 Phase 1 – Land Tenure

Key Deliverables:

- Undertake a review of all relevant legislation and lease agreements to determine if any amendments are required.
- The assessment must include a review of the capacity for land dealings under the legislation. A clear line of responsibilities, rights, titles and interests must also be included. A robust support and monitoring mechanism should be considered if the current legislation does not support this adequately.

- Assessment of the *Planning Act* and any relevance there is to developments in town camps.
- Identification of other community structures within the town camps should be included.
- Assessment of the lease holders' compliance with the crown lease or special purpose lease.

2.4.2 Phase 2 – Housing Review

Key Deliverables

- Undertake a review of current housing stock which includes a breakdown of urgent/immediate repairs and costings, the number of people per bedroom and a projection for future demand and costings.
- The review must include options for home ownership and opportunities for generating self-raised income or other options for future investment in housing including new houses.
- The review must assess the current housing services delivery and establish a position on the lease holding entity or related community entities capacities for self-management.
- A review of tenancy arrangements must also be undertaken.

2.4.3 Phase 3 – Infrastructure Assessment Review

Key Deliverables

- Undertake a review of the essential services infrastructure to determine current condition and an estimate of any upgrades that might be required.
- Assessment should review the capacity of existing infrastructure to meet the current demand and determine the gap for future use.
- The assessment must also provide a synopsis on the method of billing and subsequent payments including the method of connection, i.e. prepaid electricity card or direct power account.

2.4.4 Phase 4 – Economic Opportunities

Key Deliverables

- Undertake a place based approach to economic development opportunities including consideration of the lease holder and residents' aspirations for engagement in the Territory economy.
- An initial preliminary development prospectus must be prepared as the basis for discussing development options with town camp lease holders and residents. This prospectus could include potential partnerships and joint ventures.
- Evaluate challenges and opportunities specific to each town camp.

2.5 TOWN CAMP REVIEW TIMEFRAME

It is currently anticipated that the results and findings from the review will be finalised by December 2016.

2.6 REVIEW APPROACH

DLGCS is open to considering a number of approaches for the completion of the review; however has a preference for the assigned Project Manager to work within the DLGCS office 2-3 days per week whilst the review is being conducted.

Proponents should consider this as part of their response to the EOI.

3. PROCUREMENT PROCESS

3.1 GOVERNMENT OPTION

This EOI is the first stage in a multi-stage procurement process. Depending on the number and nature of the responses received, the Principal in its sole discretion reserves the right to:

- Develop a short list of Proponents to participate in a further select tender process;
- Conduct a public tender process for this or similar requirements; or
- Discontinue this procurement process in its entirety.

The Principal will notify the Proponents of the outcome of this stage in writing prior to progressing to the next stage (if any). Proponents must note that failure to respond to the EOI may preclude them from further procurement stages for this project. Copies of responses to this EOI will remain the property of the Principal.

The EOI and any future stages undertaken by the Principal are collectively called the Competitive Process.

3.2 CONFIDENTIALITY

All responses to this EOI will be treated as commercial in confidence. The Principal may disclose information and materials contained in a response to its employees, advisors and consultants that are involved in the assessment of this EOI.

All members of the assessment panel will be required to execute a Declaration of Confidentiality and Conflict of Interest agreement declaring that all information obtained in the course of the EOI will be kept strictly confidential and any perceived or real conflicts of interest.

3.3 INTELLECTUAL PROPERTY RIGHTS

Any intellectual property rights that are created through submitting a response to this EOI will remain the property of the proponents.

Proponents authorise and license the Principal at no cost to use, copy, adapt, distribute and reproduce the whole or any portion of their response for the purposes of assessing the EOI, formulating budgets and funding options, and preparing submissions in relation to any further procurement action that may be required.

3.4 PROBITY ADVISOR

The Principal will be appointing a Probity Adviser in respect of the Project. The contact details for the Probity Adviser will be made available after selection of the adviser has been finalised.

Proponents should note that any contact or communication with the Probity Adviser may be disclosed to the Principal throughout the course of the Project

3.5 POTENTIAL PROBITY ISSUES

The Principal wishes to protect the probity and competitiveness of this Competitive Process.

Proponents must immediately notify the Probity Adviser of any Potential Probity Issues which the Proponent becomes aware of.

For each Potential Probity Issue, the Proponent must provide the Probity Adviser with written details of the procedures and arrangements which have been, or will be, implemented to ensure that the Potential Probity Issue does not adversely affect the competitiveness or probity of this Competitive Process.

The Principal will consider each Potential Probity Issue on a case by case basis. The Principal may, at its discretion, request changes to the procedures or arrangements proposed by the Proponent and / or require the procedures or arrangements to be documented in a Probity Deed.

No individual may be a Team Member for more than one Proponent for the Project.

The Principal may exclude a Proponent from the Competitive Process if a Potential Probity Issue which has arisen in relation to the Proponent is not addressed to the Principal's satisfaction.

Note: Until a Probity Adviser is engaged, Proponents may bring Probity Issues to the attention of Procurement Services (details in the Annexure).

3.6 PROBITY CHECKS

The Territory may undertake probity checks in connection with the involvement of the Proponent, or any Proponent Member, in the Competitive Process. Such probity checks may include, in respect of the Proponent and each Proponent Member:

- a) investigations into commercial structure, business and credit history;
- b) prior contract compliance;
- c) any criminal records or pending charges;
- d) interviews with any referees nominated; and
- e) research into any relevant activity that is or might reasonably be expected to be the subject of regulatory investigation.

3.7 RESPONSIBILITY FOR COSTS

Proponents are responsible for all costs associated with the preparation, lodgement and participation in this EOI process. The Principal will not be responsible for paying or reimbursing Proponents for any costs, expenses or losses incurred whatsoever as a result of their participation in this EOI process.

3.8 ASSESSMENT OF RESPONSES

3.8.1 Assessment Panel

The Principal will convene an assessment panel comprising of appropriately experienced and qualified representatives to evaluate responses to this EOI. The Principal may also seek advice from independent experts to assist in the evaluation process.

The assessment panel will evaluate responses to key deliverables in accordance with the assessment criteria set out below. The assessment panel may also take into account any other information that it considers appropriate in order to properly assess the response and formulate recommendations (refer Clause 4.2).

3.8.2 Assessment Criteria

Applicants are invited to provide in writing a comprehensive EOI for consideration by addressing the below criteria against the key deliverables for the project. Each criterion has been allocated a weighting and will be assessed in its own right.

Past Experience – 40%

- Provide an overview of the experience of the organisation and its personnel in conducting similar reviews, particularly in the Northern Territory. Responses should also include experience engaging and consulting with Indigenous people or working with town camps.

Scope Specific – 60%

- Provide a detailed project methodology outlining the proposed approach to the review and how the project purpose/objective will be achieved. The methodology should include consideration of stakeholder engagement.

3.8.3 Other Information

Proponents are also requested to provide *indicative* pricing for the review as part of their response to the EOI. Detailed pricing is not required and will be requested in the next stage if the project progresses. Price will not form part of the assessment of responses to the EOI and will be used to assist DLGCS with determining if sufficient funding has been allocated to the project.

Proponents may also submit any other information that they feel is relevant and which will provide support for their application.

3.8.4 EOI Presentation

EOI Proponents may be invited to present their submissions to the assessment panel and other stakeholders of the Principal as appropriate (e.g. Project Steering Committee). The presentations will be assessed against the following criteria and will be used to confirm the initial assessment of written responses against the criteria in Clause 3.8.2.

- Understanding of the project brief
- Methodology for meeting the key deliverables
- Evidence of innovative thinking; and
- Completeness.

4. ENQUIRIES

4.1 Enquiries by Proponents

All contact and enquiries in relation to this EOI must be directed to:

Procurement Services
Department of Business (on behalf of DLGCS)
Phone: (08) 8999 8428
Email: ProcurementServices.Enquiries@nt.gov.au

Any unauthorised contact with any person other than the contact person listed above may result in a Proponent being excluded from this EOI process or their proposal being declared invalid.

Requests for clarification or further information in relation to this EOI must be made in writing to the contact officer specified above by Close of Business **Thursday, 19 May 2016**. The Principal may decline to respond to enquiries received after this date.

Responses to requests for clarification or further information will be provided in writing and distributed to other potential Proponents via the issue of an addendum.

4.2 Enquiries By the Principal

The Principal may seek clarification from a Proponent in relation to any aspect of its response. The Principal will direct such enquiries in writing to the representative(s) of the Proponent nominated in the EOI Response Form. Proponents are required to respond promptly, in writing, to all requests for clarification received from the Principal.

The Principal may make any enquiries of any persons which it deems necessary in order to verify or obtain further details on any information provided by a Proponent in its response. This may include (but is not limited to) the Principal:

- a. conducting any reference checks it deems necessary in relation to any prior experience, capacity or capability which a Proponent refers to in its EOI; and
- b. conducting its own verification of any prior experience, capacity or capability which a Proponent refers to in its EOI.

In its assessment of a Proponent's EOI, the Principal may have regard to any information which it has obtained in accordance with this section.



EXPRESSION OF INTEREST (EOI) RESPONSE FORM

(the completed EOI form, claims against criteria and attachments together will comprise the response)

EOI NUMBER: D16-0118

CLOSING: 2.00 PM AUSTRALIAN CENTRAL STANDARD TIME, MONDAY 23 MAY 2016

EOIs shall remain valid for progression to further stages for a period of 60 days from the closing date.

PROPONENT DETAILS

I/We, the undersigned, having examined and acquired an actual knowledge of this EOI do hereby offer the following response:

Name: Position:

Signature: Date:

(Not required when lodging via website www.nt.gov.au/tenders)

Legal Entity Name

Trading as

ABN ACN

Physical Address

Postal Address

Telephone Facsimile

Email Address

Web Site

REPRESENTATIVE CONTACT DETAILS

Name Position

Telephone Facsimile

Email Address

CLAIMS AGAINST ASSESSMENT CRITERIA

Proponents must also provide, as an attachment, responses to the assessment criteria noted at Clause 3.8.2 of this EOI.