



Expression of Interest



Frankton Library Lease

Important Dates:

EOI issued: 23 November 2017

Closing date for proposals: 10:00 am Wednesday 20 December 2017



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Contents

Section A - Overview.....	3
1.1 Introduction	3
Section B – EOI Process.....	5
1.2 Expression of Interest Process	5
1.3 EOI Response	7
1.4 EOI Conditions	9
Section C – Information Required from Respondents	13
1.5 General.....	13
1.6 Location	13
1.7 Building Quality	13
1.8 Expected Lease Pricing & Commercial Framework.....	13
1.9 Delivery Timeframes	14
1.10 Environmental	14
1.11 Assumptions.....	14
1.12 Plans of Proposed Lease Space.....	14
Appendix A – Form of Expression of Interest	15
Appendix B – Conflict of Interest Declaration	16
Appendix C – Confidentiality Agreement	18

Section A - Overview

1.1 Introduction

Purpose of Expression of Interest

Queenstown Lakes District Council (“QLDC”) is currently looking for suitable commercial/retail space for the setup of a new public library on the Frankton Flats. QLDC now invites parties (“respondents”) to develop comprehensive proposals for a leased library location, based on the requirements set out in this document.

The expression of interest process is intended for respondents to propose suitable buildings, configurations, lease terms and rental payments.

It is anticipated that respondents will propose options that can be fully consented and constructed/completed within the lease commencement period outlined in this document.

The Council intends to manage the library fitout to their specification, or alternatively may request fitout to be coordinated through the landlord, by agreement of both parties.

The EOI document consists of the following:

- **Section A – Overview:** Provides background information and details of purpose of EOI.
- **Section B – EOI Process:** Sets out the conditions and requirements of this EOI process, together with the evaluation process and criteria.
- **Section C – Information Required from Respondents:** Sets out the information required in the EOI response.

This EOI process is intended to ascertain and shortlist organisations capable of responding to an in-depth Request for Proposal or Request for Tender process. It is not the intention of QLDC to award a contract from this process; however, QLDC reserves the right to do so under Section 1.5 of this EOI document.

Background

QLDC operates seven libraries in and around the district, through a mixture of owner/occupier and leased premises models. Currently QLDC has been trialing a pop up library at the Queenstown Events Centre, and due to the success of this trial intends to setup a longer-term library site in an appropriate location on the Frankton Flats.

Since 2012, the Council has flagged the potential for a library facility at Frankton.

In 2014, a public consultation process and the subsequent development of a Strategic Review of Library Services Report reinforced the projection that a Frankton Library would be necessary in the long term.

In September 2017 the Council adopted a recommendation to seek an Expression of Interest for a potential Frankton Library lease.

Our Requirements

QLDC is seeking a lease for the library with the following broad requirements:

- Be located on the Frankton Flats
- Have a floor area between 450-750m²
- Provide a lease term of 3 years with a 2 year right of renewal
- Ground floor, corner location (ideally)
- Appropriate zoning and consent for the type of activity
- Proximity to complementary amenities, reserves and or community facilities/activities e.g. schools and shops
- Good accessibility to public transport
- Good access to car parking, including accessible parks and bike parking
- Must be able to be supplied with high speed internet connection
- Include a suitable area for staff room and 1-2 offices
- Provide a building that meets at least 66% of the New Building Standard (NBS)
- Provides a safe environment for our customers and staff.

Section B – EOI Process

1.2 Expression of Interest Process

Timetable

The anticipated timetable for this EOI process is as follows:

PHASE EXPECTED	COMPLETION DATE
EOI issued	23 November 2017
EOI questions close	18 December 2017
EOI closes	10am, 20 December 2017
EOI evaluation	15 January 2018
Notify respondents of outcome	24 January 2018

The above dates are indicative only. QLDC reserves the right to alter this timeline, and respondents will be advised of any changes to these dates.

Points of Contact

This EOI is managed on behalf of QLDC by Dan Cruickshank. He is the only authorised point of contact at QLDC for all related enquiries and correspondence.

Contact details are:

Dan Cruickshank

Email: dan.cruickshank@aplproperty.co.nz

Phone: 03 442 7133

All communications about this EOI must be channelled through the Contact Person. Any questions regarding interpretation or requesting further information must be submitted by email before the question closing time published above. Where appropriate, the answers to these questions may be published to all participants.

All interested parties are requested to lodge their interest with the Contact Person so that they can be kept up to date with the EOI process, and also be advised of answers to questions posed by other respondents.

Evaluation Criteria

Factors that may be taken into account when evaluating EOI submissions include, but are not necessarily limited to, the following (please note that the factors listed are not in any order of priority, nor are they weighted):

- Location

- Building quality
- Commercial framework and affordability
- Pre-contract and post-contract risks
- Past compliance with regulatory requirements;
- Environmental / sustainability credentials;
- QLDC's confidence in the respondent's ability to construct and/or supply a lease space that is fit for purpose;
- Compliance with the terms and conditions set out in this EOI document;
- Commitment and adherence to sound quality practices;
- Risk (overall credibility of Proposal);
- Any other criteria that QLDC deems relevant to evaluate the responses and the EOI process.

Clarification of Responses

Respondents may be asked to clarify aspects of, or revise, their EOI response, or provide additional information during the EOI process. These requests will require a response within two working days, or the time specified in the written request from QLDC. Failure to respond to such a request within the stated timeframe may result in the exclusion of the EOI response from further consideration.

Due Diligence

Organisations intending to submit a response may request a meeting with the Council's Contact Person as part of a due diligence process. The purpose of the meeting is to enable you to clarify any aspect of the EOI. The intended outcome is that you have an increased understanding of QLDC and the library requirements described in this EOI, which will in turn lead to a better and more relevant proposal.

There will not be a formal agenda. However, you may NOT use the meeting to discuss price or commercial matters.

Communication of Outcome

QLDC will endeavour to ensure that all respondents who submitted an EOI response will be notified in writing of the outcome of their responses.

Shortlisting and Tendering

As a result of this EOI process, QLDC reserves the right to shortlist and conduct a closed tender. Should the tender proceed, any tenderer shortlisted to receive a tender document will be notified that they are a preferred tenderer and a tender document will be released to them in due course.

Shortlisting and Negotiation

As an alternative, QLDC reserves the right to proceed directly to negotiation. If this option is selected by QLDC, then:

- The preferred respondent(s) will be notified of their status and the expected timeframe for negotiations; and
- All other respondents will be notified either that:
 - Their EOI has been unsuccessful; or
 - They have been shortlisted but not preferred at this stage, and will be asked to confirm that their EOI remains open for the period of the negotiation.

Should negotiations between QLDC and the preferred respondent be unsuccessful, then QLDC reserves the right to re-evaluate the other shortlisted respondents. Contract negotiations may commence if there is a respondent selected from this re-evaluation. QLDC is not bound to shortlist and negotiate with any respondent.

Preferred Respondent

Should a respondent be informed that they are a preferred tenderer, such advice does not:

- Constitute an acceptance by QLDC nor create a contract; nor
- Constitute an award of the contract; nor
- Imply or create an obligation on QLDC to enter into negotiations with or award the contract to the respondent.

QLDC reserves the right to discontinue negotiations at any time.

1.3 EOI Response

Format and Content of Proposals

In submitting a response to this EOI request, the respondent accepts, and agrees to comply with, the provisions of the EOI documents.

Respondents should submit one response only, although this response may include one or more options.

Joint responses may be submitted, provided that both respondents are jointly and severally liable, and one of the joint respondents is identified as the contact point for all communications with QLDC relating to their EOI response.

Responses are to be signed for or on behalf of the respondents by a duly authorised officer of the respondents.

Responses cannot be withdrawn once submitted, except with the written consent of QLDC.

All responses will become the property of QLDC, and do not have to be retained, destroyed, or returned to the respondent. QLDC may use the responses as it sees fit, subject to the confidentiality clause provision within this EOI document.

Submitting your Response

An electronic response to this EOI is requested. Responses must be titled:

“QLDC Frankton Library – Response to EOI”

and include a single unprotected PDF file of less than 10 megabytes.

Please email your full response to dan.cruickshank@aplproperty.co.nz

Receipt of submissions will be acknowledged.

Your response should be clearly marked “Commercial-In-Confidence”.

Responses must be submitted in the format described in Section C of this document, and must be clear, legible and provide all information requested in this EOI document.

Responses must be received on or prior to the time at the date stipulated as the EOI closing date. Late responses may not be accepted by QLDC.

Any response received by QLDC that does not conform to all of any of the above conditions may be rejected or accepted during the EOI response evaluation process, at the sole discretion of QLDC.

Closing Date

Responses to this EOI must be received electronically by Queenstown Lakes District Council no later than:

10:00am, Wednesday 20th December 2017

It is the responsibility of vendors to ensure that adequate time is allowed for delivery of their Responses.

1.4 EOI Conditions

Acceptance of Terms

By responding to this EOI or otherwise participating in the EOI process, the Respondent agrees to the terms and conditions set out in this section.

Contact with QLDC

Respondents must not:

- Contact any other person at QLDC regarding this EOI without the express authorisation of the Contact Person;
- Approach, directly or indirectly lobby, attempt to influence or provide any form of incentive to, any representative of QLDC concerning any aspect of this EOI process. Any Respondent who either directly or indirectly makes any such approach may be disqualified;
- Make any public statement in relation to this EOI, the EOI process, its Proposal or its participation in the EOI process, without the Contact Person's prior written consent.

Any Respondent who indirectly or directly canvasses any Councillor, officer, employee or advisor of the Council other than the authorised representative(s), concerning any aspect of this EOI process may, at QLDC's discretion, be disqualified.

Confidentiality

All information provided as part of this EOI by QLDC to the respondents, or by a respondent to the Council will be treated as Commercial in Confidence. A confidentiality agreement is included along with the EOI pack as Appendix C, and must be returned fully completed along with any proposal.

Respondents shall not disclose any such information without the prior written agreement of QLDC, and may only use this information for the purpose of providing a response to this EOI.

No advertisement, press release, or public statement relating to the EOI, the submission, consideration, rejection or acceptance of any Response or any Contract shall be made by any vendor without the prior approval of the Council.

Respondents are advised that the Council's policy regarding confidentiality of information supplied in proposals can be challenged under the Local Government Official Information and Meetings Act 1987. Although the Council will take all reasonable steps to preserve the confidence of material supplied through the EOI process, it cannot guarantee that information marked as "Commercial in Confidence" will be able to be protected.

Response Costs

All costs incurred by the Respondent in connection with its proposal are the sole responsibility of the Respondent.

Information Complete and Accurate

By submitting a response, each interested organisation warrants that all the information provided to QLDC, in or relation to its response is complete and accurate in all material respects. Each interested organisation also warrants to QLDC that the provision of that information to QLDC, and the use of it by QLDC for the analysis of its response and for any resulting discussions, will not breach any third party intellectual property rights.

Respondents to Inform Themselves

QLDC makes no representation and gives no warranty as to the accuracy or completeness of any information it has or will provide in connection with the EOI process. QLDC accepts no liability on account of errors in any statements made or data provided in the course of response preparation, with the EOI itself or subsequent discussions and each interested organisation must rely on its own inquiries.

Conflicts of Interest

Respondents must disclose any real or potential conflicts of interest that they may have in any way in relation to this EOI. A disclosure form is included with this EOI pack as Appendix B, and must be provided along with any proposals.

No Contractual Intent

There is no intention that the issue of this EOI creates any legal relations between QLDC and the individuals or organisations participating in it. If there is any conflict or inconsistency between the terms and conditions set out in this EOI and the terms contained in an interested organisation's response, the terms and conditions set out in this EOI shall prevail.

Joint Responses

Interested organisations may submit joint responses provided that the requirements of this EOI are met. QLDC has a preference for simple and clear relationships with organisations and make take into account any risk or complexity inherent in joint responses (if any).

Notice Generally

QLDC will satisfy its obligations under the EOI to provide notice or other information to all interested organisations by communicating directly to all interested organisations participating in the EOI process at the time the notice is given.

QLDC asks that all interested parties register their interest with the Contact Person specified to ensure that they receive any updates to the EOI or responses to questions posed by respondents.

Exclusion of Liability

To the extent permitted by law, the Council (including, without limit, mayor and councillors and QLDC) and QLDC'

Ownership of Response Documents

The responses submitted to QLDC in response to this EOI shall be retained by QLDC. Intellectual property in an interested organisation's response to the EOI will not pass to QLDC. However, by submitting a response, each interested organisation licenses QLDC to use, copy, adapt, modify and reproduce its response for the purpose of analysing its response and any resulting discussions.

Rights Reserves by QLDC

QLDC reserves the right, in its absolute and sole discretion, to:

- a) Reject all or any EOI responses;
- b) Re-advertise for EOI responses;
- c) Waive any irregularities or informalities in the EOI process;
- d) Amend any dates referred to or implied in this EOI, by the issue of a written notice;
- e) Amend this EOI and any associated documents by the issue of a written notice;
- f) Seek clarification of any aspect or information provided in a response and to seek further information from any party;
- g) Suspend or cancel (in whole or in part) this EOI process and/or the overall procurement process;
- h) Consider or reject any alternative EOI response;
- i) Deal separately with any element of any response, unless the relevant response specifically states that those elements must be taken collectively;
- j) Enter into discussions and/or negotiations with one or more vendors at any time and upon any terms and conditions before or after acceptance of an EOI response;
- k) Call for a best and final offer from vendors submitting a proposal;
- l) Conduct a financial check on any vendor submitting a response;
- m) Obtain similar goods/services from any third party and not deal exclusively with any respondent under this EOI process;
- n) Meet with any respondent before and/or after the EOI closes;
- o) Limit or extend the list of potential vendors beyond those who respond to this EOI;

- p) Liaise, negotiate, or contract with any vendor or other person at any time without disclosing this to, or involving or doing the same with, any other vendor or person (whether before, during or after this proposal process);
- q) Consider, accept, or reject any response received after the EOI closing date;
- r) Decline or not decline any proposal where the proposal does not, or the respondent has not, complied with the terms of the EOI.

Governing Law

This EOI is governed by New Zealand law and each interested organisation submits to the exclusive jurisdiction of the New Zealand courts as to all matters relating to this EOI.

Section C – Information Required from Respondents

You are required to answer each question in this section. You must use this numbering system in your response and respond on the same sequence.

1.5 General

- a) Please provide an executive summary of your EOI outlining key advantages of your EOI to QLDC and how you meet QLDC's requirements.
- b) Provide an organisation profile that includes:
 - Name and address of company or organisation, as well as contact details of the respondent and nominated contact person(s);
 - An outline of company ownership, including details of directors and controlling shareholders.

1.6 Location

Please provide plans of the proposed location, along with any information on nearby car parks, bus stops, proximity to complimentary amenities, reserves and/or community facilities.

1.7 Building Quality

Please provide specific information on the proposed building being proposed. This should detail:

- A list of building specifications;
- Workspace size and configuration;
- Occupant comfort and services performance;
- % NBS that the building meets (NB: must be over 66% as a minimum);
- Floor loading;
- Details of internet speed and type of connectivity at the proposed building.

1.8 Expected Lease Pricing & Commercial Framework

Please provide details of the proposed rent, incentives, operating and common area charges for the proposed building/tenancy. Please note QLDC has a preference for gross lease terms being proposed.

Council is interested to consider options that allow the lease to be flexible in terms of potential growth or contraction in floor space over the term.

Please outline any other specific conditions of lease that the respondent requires.

1.9 Delivery Timeframes

QLDC intends to commence a lease subject to this EOI (and potentially RFP) process and funding via the Council Annual and Long-Term Plans on the 1st July 2018.

1.10 Environmental

Please detail and include certification of environmental credentials utilised in the construction and design of your proposed solution.

1.11 Assumptions

Please detail the assumptions that you have made in responding to this EOI

1.12 Plans of Proposed Lease Space

Appendix A – Form of Expression of Interest

[This form is to be placed on your letterhead, signed by an authorised officer of the proposer's company and accompanying your proposal. A digital signature is acceptable.]

To:

Queenstown Lakes District Council

C/- APL Property

PO Box 1586

Queenstown

Email to:

dan.cruickshank@aplproperty.co.nz

Re: EOI for the Queenstown Lakes District Council Frankton Library

Name of Responding	
Organisation:	
Primary Contact Person: (Name & Title)	
Contact details:	
Phone:	Mobile:
Fax:	Email:
Fax:	
Postal:	
Address for service:	

On behalf of the parties submitting this Proposal, we confirm that we have fully understood the requirements set out in the EOI documents, and that none of the information submitted by us breaches any third party intellectual property rights.

Dated:

Signed by:

for and on behalf of the submitting party (ies)

Appendix B – Conflict of Interest Declaration

Name:	
Position:	
Organisation:	
Tender:	
Role in the procurement activity:	

Conflict of Interest declaration:

The Respondent warrants that it has no actual, potential or perceived Conflict of Interest in submitting this Proposal, or entering into a Contract to deliver the Requirements. Where a Conflict of Interest arises during the RFP process the Respondent/s will report it immediately to the Buyer's point of contact, APL Property. If you have actual, potential or perceived Conflict of Interests to report, please detail them below.

Details of conflict of interest:

<p>Actual conflict of interest is where you already have a conflict.</p> <p>Potential conflict of interest is where the conflict is about to happen or could happen.</p> <p>Perceived conflict of interest is where other people might reasonably think you are not being objective.</p>	<p>If you have any 'Actual', 'Potential' or 'Perceived' conflicts of interest, please provide details here. Otherwise sign the declaration below.</p>
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Your declaration:

Declaration – I confirm that the above details are correct to the best of my knowledge and I make this declaration in good faith.		
Signature:		Date:
Member of the review panel – I confirm that I have received this declaration and noted the contents.		
Name:		
Signature:		Date:

Appendix C – Confidentiality Agreement