



Expression of Interest (EOI)

1. PART A - Information about this EOI

Name:	2015-16 Murray Region TSR Long Term Grazing Permits EOI
IRIS No:	Office use:
Location:	Murray Local Land Services (eastern zone TSRs)

Lodgement details:

Closing Time:	4:30pm
Closing Date	Monday, 11 th of January, 2016
Method:	Postal: PO Box 797 Albury NSW 2640 In person: hard copy to TSR EOI Tender Box in local offices Email: admin.murray@lls.nsw.gov.au

Contact Person:

Name:	Phill Falcke
Position:	Ranger, Travelling Stock Reserves
Telephone:	(02) 6051 2219
Email:	phill.falcke@lls.nsw.gov.au

EOI Documents

Part A	Information about this EOI	PDF
Part B	Long Term Grazing Permit (incl. Terms and Conditions)	PDF
Part C	Response Form – to be submitted by respondents	MS Word
Part D	Eastern Travelling Stock Reserves and maps for tender	PDF

2. Confidentiality

This EOI, including any attachments, is made available on a commercial in confidence basis. Any person in receipt of this document must ensure that all information whether written or verbal concerning this document is kept confidential, except any information which is in the public domain (other than as a consequence of a breach of this confidentiality obligation).

The Respondent must keep confidential any information concerning the Department or the State of New South Wales as a result of or in connection with its submission of a Response, unless otherwise agreed in writing.

Copies of this document or related documents must not be distributed except with the prior written consent of Murray Local Land Services.

The Response and any accompanying documents become the property of Murray Local Land Services.

These obligations apply equally to any sub-contractor used by the Respondent.

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1. GENERAL INFORMATION

1.1 Purpose of this Information Document

The purpose of this document is to provide supporting information for applicants and consistent guidance for Local Land Services in applying the EOI process for Long Term Grazing Permits (LTGP).

Further details including a list of Travelling Stock Reserves (TSRs) available, a copy of the permit including terms and conditions, and details of the Expression of Interest process are provided in the EOI Pack.

1.2 Definitions

Unless the context requires otherwise, in this EOI:

“**Addendum**” means an addition to this EOI made by Murray Local Land Services before the Closing Date and Time.

“**Alternative Response**” means a Non-Conforming Response that is intended to offer a different method of meeting the objects and intent of the EOI.

“**Conforming Response**” means a response that conforms in all material aspects to the EOI.

“**Long Term Grazing Permit**” means provision of authority to graze on gazetted Travelling Stock Reserves for an extended period (longer than 90 days) and subject to conditions on the permit.

“**Non-Conforming Response**” means a response that does not conform in all material respects with the EOI.

“**Response**” means the documents constituting an offer by a Respondent to supply services in response to this EOI.

“**Respondent**” means any entity responding to this document.

1.3 Murray Local Land Services

Local Land Services brings together agricultural production advice, biosecurity, natural resource management and emergency management into a single organisation.

Eleven Local Land Services regions, managed by 11 local boards cover NSW: Central Tablelands, Central West, Greater Sydney, Hunter, Murray, North Coast, Murray, North West, Riverina, South East and Western regions. Each region is accountable for delivering services that add value to local industries, enhance natural resources, protect industries from pests and disease and help communities respond to emergencies like flood, fire and drought.

Local Boards headed by local Chairs work closely with farmers, landholders and communities. Each region will develop operational management plans that will prioritise service delivery on a regional basis, reflecting regional priorities.

Local Land Services Boards are accountable for:

- administering and delivering local land services;
- developing and implementing appropriate governance arrangements for the delivery of local land services;
- preparing a State Strategic Plan and Local Strategic Plans;
- providing and facilitating education and training in connection with agricultural production, biosecurity, natural resource management and emergency management;
- making and managing levy rates, levies and contributions on rateable and other land;
- providing and administering grants, loans, subsidies or other financial assistance for local land services;
- communicating, consulting and engaging with the community, including the Aboriginal community, to encourage participation in the delivery of land services.

Part A – Information about this EOI

The intent of the Board of Murray Local Land Services is to ensure the LTGP process applies:

- Fairness and impartiality;
- Consistency and transparency;
- Appropriate security and confidentiality arrangements;
- Identification and management of actual and potential conflicts of interest;
- Compliance with legislative obligations, Local Land Services Board of Chairs and Government policies; and
- Optimise economic returns from TSR's whilst meeting social obligations and demonstrating good practice land management.

1.4 Murray Local Land Services Contact Person

Respondents should refer any requests for information concerning this EOI to the Contact Person nominated on the front page of this EOI.

Any information given to a Respondent to clarify any aspect of this EOI will also be given to all other Respondents if in Murray Local Land Services opinion the information would unfairly favour the inquiring Respondent over other Respondents.

Respondents should notify the Contact Person in writing on or before the Closing Date and Time if they find any discrepancy, error or omission in this EOI.

1.5 Addendum

Murray Local Land Services may change the EOI by issuing an Addendum in writing to all Respondents. The Addendum becomes part of the EOI documents.

1.6 Murray Local Land Services discretion

- Murray Local Land Services may discontinue the EOI process at any point for any reason, without making a determination regarding acceptance or rejection of any Responses.
- Murray Local Land Services may invite fresh responses based on the same or different criteria.
- Murray Local Land Services is not bound to accept any Response received, nor any response that does not adequately provide required information.
- Murray Local Land Services has discretion whether or not to accept Responses which do not comply with all of the requirements of the EOI documents, or which contain conditions or qualifications.
- Before making any determination as to acceptance or rejection of Responses Murray Local Land Services may elect to conduct limited negotiation with preferred Respondents or a preferred Respondent.

1.7 Respondent's status

Murray Local Land Services contracts only with recognised, acceptable legal entities and does not contract with firms under any form of external administration. We may ask a Respondent to provide evidence of its legal status or capacity to contract.

1.8 Respondent's Response Costs

The Respondent acknowledges that Murray Local Land Services will not be liable to them for any expenses or costs incurred by them as a result of their participation in this EOI, including where the EOI has been discontinued.

1.9 Intellectual Property

All Responses become property of Murray Local Land Services upon submission, unless expressly stated otherwise in the contract.

1.10 Conflict of interest

A conflict of interest arises when a Respondent, or a person or organisation associated with the Respondent, is in a position to benefit directly or indirectly from actions of the Respondent through an unfair or unintended imposition or loss on Murray Local Land Services or other party. A conflict of interest can also arise when a Respondent's integrity, objectivity or fairness in performing the services is at risk due to a personal interest or conflicting business arrangements.

Respondents must disclose in their Response any potential or actual conflicts of interest that they may have or may be perceived to have in respect of their responsibilities to the State Government and other parties in the course of delivering services to Murray Local Land Services, should they be selected as the successful Respondent.

Identification of a conflict of interest or a perceived conflict of interest will not automatically exclude a Respondent from consideration. Murray Local Land Services will refer any Responses relating to the reserves where a Respondent identifies conflict or perceived conflict to the Board of Chairs Conflict of Interest Subcommittee. The subcommittee shall undertake the consideration of all of the expressions of interest received for that TSR. However, the Local Land Services Board of Chairs Conflict of Interest Subcommittee decision about exclusion will be final.

Local Land Services Board Members and staff who would make application for LTGP's will lodge their EOI in accordance with the normal lodgment process subject to the Board of Chair Conflicts of Interest Policy.

Board members and staff who submit an EOI:

- will declare their position on the application;
- are considered equally as other applicants subject to the Board of Chair Conflicts of Interest Policy;
- will have no role in the assessment process.

Board members and staff who submit an EOI for areas of TSRs that do not adjoin their holding or a holding that is leased by them, will only be granted an LTGP over the area if;

- There is no other application for the area;
- The adjoining landholder is notified of the application, given the opportunity to apply for the area and declines.
- A review of the proposed allocation and process check is completed by a neighbouring region.

Directors and staff who apply for and/or are granted LTGP's will be included on the Murray Local Land Services Conflict of Interest Register.

1.11 Exchange of information between government agencies

By submitting a Response, the Respondent authorises Murray Local Land Services to gather, assess and communicate to Commonwealth, NSW and local government agencies and authorities any information about the Respondent, including its financial position and the Respondent's performance in respect of any contract awarded as a result of this EOI process. Such information may be used for assessment of suitability of future response, tender, prequalification or contract opportunities.

The information that may be collected, exchanged and used in accordance with this provision includes "personal information" about a Respondent for the purposes of the *Privacy and Personal Information Act 1998 (NSW)*.

The provision of information by Murray Local Land Services to any other agencies and authorities is agreed by the Respondent to be communication falling within section 30 of the *Defamation Act 2005 (NSW)*, and the Respondent shall have no claim against Murray Local Land Services or the State of New South Wales in respect of any matter arising out of the provision or receipt of such information, including any claim for loss to the Respondent arising out of the communication.

1.12 Financial Capability of Respondent

Murray Local Land Services will not knowingly accept responses from Respondents who are subject to exclusion from quoting as a result of a breach of the NSW Government Code of Practice for Procurement, are bankrupt, are subject to a winding up order, or are corporate entities with persons involved directly or indirectly in the management of the entity who are disqualified under corporations law.

As per the Local Land Services Debt Management Policy any permit may be revoked if the permit holder is more than 120 days in arrears.

2. LODGEMENT

2.1 Instructions for Respondents

Respondents must read all parts of this EOI package including Parts A, B and D as well as submit completed Part C – Response Form.

An individual Expression of Interest form (Part C – Response Form) must be submitted for each reserve you are interested in.

Before submitting a response, a Respondent must examine all information relevant to the risks and contingencies and other circumstances having an effect on its response, including seasonal conditions. It is strongly recommended that Respondents inspect the relevant TSR prior to preparing a response.

A Respondent must satisfy themselves that the response, including the response price is correct, and that it is financially and practically viable for the Respondent to enter into and perform the proposed contract if it were chosen to do so by Murray Local Land Services.

Prices, responses and other information provided in the Response are to be in writing and in English.

All tendered prices are subject to an annual Consumer Price Index (CPI) increase.

All pricing information provided in the response must be **exclusive of GST**.

2.2 Conformity of responses

Murray Local Land Services seeks Conforming Responses. Non-conforming responses may be excluded from the response process without further consideration at Murray Local Land Services discretion.

2.3 Closing Date & Time, Address, Method

Respondents must submit Part C – Response Form by the Closing Date and Time to:

- Murray Local Land Services Albury office, marked 'TSR EOI Tender' or
- email admin.murray@lls.nsw.gov.au, or
- post to PO Box 797, Albury NSW 2640

2.4 Extension to Closing Date and Time

Murray Local Land Services may, at its discretion, extend the Closing Date and Time.

2.5 Late Responses

Murray Local Land Services may consider late responses where we are satisfied that the integrity and competitiveness of the EOI process has not been compromised. We shall not penalise any Respondent whose response is received late if the delay is due solely to mishandling by Murray Local Land Services.

2.6 Minimum Validity Period

All responses must remain valid for a minimum of 90 days from the Closing Date.

2.7 Further information

Murray Local Land Services may request a Respondent to provide further information after the Closing Date to assist the evaluation process. The Respondent should submit such information in the format and by the time requested.

3. EVALUATION

3.1 Evaluation methodology

The objective of the evaluation is to identify the response(s) that represent best value for money and best meet Murray Local Land Services requirements.

Responses may be evaluated against the criteria set out in the Evaluation Criteria, which is not exhaustive. A response which is rated unsuitable/unsatisfactory against one or more of those criteria may be excluded from further consideration.

Murray Local Land Services may also take into account any other considerations such as financial viability (including bankruptcy or insolvency) of the Respondent, including whether the Respondent has any outstanding accounts with Local Land Services or any other information about the Respondent that Murray Local Land Services receives from any other source.

In instances of comparable competing bids preference may be given to ratepayers in the Murray region.

3.2 Evaluation Criteria

In evaluating Responses, we will take into consideration factors including, but not limited to, the following criteria:

Criteria	Weighting
1. Price: the nominated amount being the annual dollar value for a LTGP over the TSR.	50%
2. Past performance: Past record of TSR management will be considered if respondent has previously held a grazing permit; relevant livestock production and/or land management knowledge and experience will be considered. No past history of TSR use will be scored in the mid-range of values.	30%
3. Locality: anecdotal evidence across NSW indicates that local lessees are more likely to care for the reserve and be more attentive to matters	20%
TOTAL	100%

4. OUTCOME

4.1 Negotiations

Before making any determination as to acceptance or rejection of responses Murray Local Land Services may, at its discretion, elect to conduct limited negotiation with preferred Respondents or a preferred Respondent.

4.2 Debriefing for unsuccessful Respondents

All Respondents will be informed of the outcome of their EOI at the conclusion of the EOI process.

4.3 Method of Acceptance – Grazing Permit

No Response is accepted unless and until Murray Local Land Services and successful Respondent sign a Long Term Grazing Permit (Part B) having provided all necessary support documentation and acknowledging they agree to the Terms and Conditions.

4.4 Public disclosure

The Department may be required to publicly disclose details of any Responses submitted to the EOI and details of any contract awarded, in accordance with the Premier's Memorandum M2007-01, and the *Government Information (Public Access) Act 2009*.

4.5 Complaints

It is the NSW Government's objective to ensure that industry is given every opportunity to win Government contracts. Should any person or entity feel that it has been unfairly excluded from quoting or unfairly disadvantaged by the terms of this EOI, they are invited to write to:

**Manager
TSR Enquiries
PO Box 797
Albury NSW 2640**