



Request for Proposal

RFP DETAILS SCHEDULE

Purpose	Commercial services at West Kiosk Block 6 Section 27 Commonwealth Place PARKES ACT 2600
RFP Closing Time	2:00pm Canberra Time on Wednesday 20 April 2022
Lodgement	Must respond via Austender https://www.tenders.gov.au/
Questions	Questions by email to the NCA Contact Officer are accepted until 2:00pm Canberra Time on Friday 01 April 2022. Questions received after this time may not be responded to.
NCA Contact Officer	Ms Justine Nagel Senior Officer, Diplomatic and Leasing licences@nca.gov.au
Inspections	By appointment only subject to public health directions and NCA staff availability – please request via email to the NCA Contact Officer
Expected start of new licence	26 October 2022

This RFP is and will remain the property of the National Capital Authority and may only be used for the purpose of preparing a response.

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PART A – INTRODUCTION

PURPOSE

This is a Request for Proposal (**RFP**) from the National Capital Authority (**NCA**) to entities interested to operate commercial services from the West Kiosk located at Commonwealth Place, Parkes, Australian Capital Territory. The aim of this RFP is to select a preferred licensee based on an evaluation of the responses so as to deliver best value for money to the Commonwealth of Australia.

THE NCA

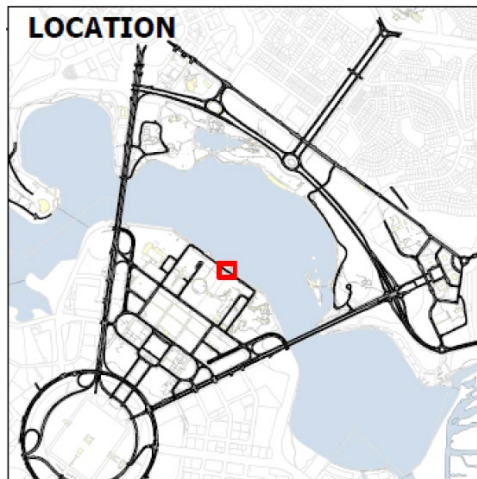
The NCA is an Australian Government agency responsible for managing the Commonwealth’s continuing interest in the planning and development of Canberra as the National Capital of Australia. Canberra has a population of about 450,000 and is a growing domestic and international tourist destination.

The NCA manages National Land, which is used or intended for use for the special purposes of the National Capital and the assets associated with the land. The objective of the land management program is to manage National Land so that it reflects the significance and importance of the National Capital in a cost-effective manner. Areas managed by the NCA include Lake Burley Griffin, the National Triangle and other nationally significant Commonwealth controlled areas of the National Capital.

Our vision is a National Capital which symbolises Australia's heritage, values and aspirations, is internationally recognised, and worthy of pride by all Australians. Additional information is available on the NCA website at www.nca.gov.au.

PART B – REQUIREMENTS

LOCATION



Commonwealth Place is located in the heart of Canberra within the National Triangle on the southern foreshore of Lake Burley Griffin. It is a national public place for concerts, gatherings, ceremonies, markets, displays and exhibitions.

Commonwealth Place Forecourt has two kiosks located on the lake side of Queen Elizabeth Terrace. The East Kiosk reopened 31 December 2021 as ‘The Jetty’ and is open from 7am daily serving a wide variety of food and beverages, with the actual jetty currently activated Thursdays to Sundays, weather permitting. The West Kiosk currently offers Segway’s for hire for tours around the National Triangle, and the West Jetty has previously been activated seasonally.

In January 2022, the Australian Government announced plans to construct Ngurra: The National Aboriginal and Torres Strait Islander Cultural Precinct at Commonwealth Place and has announced a design competition for the Ngurra precinct and the structures within it. Please see <https://aiatsis.gov.au/ngurra> for further detail and updates on that project.

Commonwealth Place Jetties offer unique and spectacular views across the lake to the National Capital Exhibition at Regatta Point, the Captain Cook Memorial Jet, Commonwealth and Kings Parks with Anzac

Parade leading up to the Australian War Memorial in the distance. Jetty facilities provide access to commercial tourist ferries, hire boats and other vessels permitted to use the lake for commercial and recreational purposes.

Close by are major national attractions including the International Flag Display, Reconciliation Place, Questacon, the National Library of Australia, the High Court of Australia, the National Portrait Gallery and the National Gallery of Australia. Commonwealth Place is also within walking distance to Parliament House, Old Parliament House, The Hyatt Hotel and Barton.

This RFP offers a unique opportunity to establish and operate commercial services in a central Canberra location overlooking Lake Burley Griffin and close to national institutions.

EVENTS

Commonwealth Place and its surrounds is a popular location for major events such as Australia Day, Enlighten, Balloon Festival, Skyfire and minor events associated with cultural clubs and sporting groups.

Temporary road closures along Parkes Place and Queen Elizabeth Terrace are commonly associated with major events which may impact on access to West Kiosk.

SPACE

For details on all areas subject to this RFP, see [ATTACHMENT A. WEST KIOSK & JETTY SITE PLAN](#).

WEST KIOSK (54.4 sqm)

The gross internal floor area of the west kiosk is 15.2 square metres. This does not include the adjoining two public toilets. These public toilets do not form part of the licensed area but may be used by patrons of the kiosk. Cleaning of these toilets is undertaken daily by the NCA cleaning contractor. Any additional cleans will be the responsibility of the licensee.

An additional 39.2 square metres is outdoors under the west kiosk canopy.

The licensed area will be base building, stainless steel benches, fire extinguisher and a ladder for access to the ceiling space. All internal fit out and services will be required to be funded and installed by the licensee including any specialty external items that are necessary for the operation of their business.

See [ATTACHMENT B. WEST KIOSK LAYOUT](#) and [ATTACHMENT C. WEST KIOSK FLOOR PLAN](#) for further detail on the west kiosk.

WEST KIOSK ADDITIONAL OUTDOOR SPACE (200 sqm)

The hardstand area of approx. 200 square metres adjacent to the kiosk amongst the trees could also be utilised as an additional outdoor space, e.g., with tables and chairs for alfresco dining.

WEST JETTY (570 sqm) – optional

The adjacent Jetty area of approx. 570 square metres may be available for activation by potential licensees. Respondents are invited to consider how they might include the activation of some or the whole of this Jetty into their proposal.

USE

OVERVIEW

The West Kiosk is designed to cater for small scale commercial operations, serving visitors to that area of the lake foreshore. It is currently used for hire of Segway and sale of snacks. It is not fitted out with a

kitchen facility. Future uses could include food and beverage services such as a café and bar or ice creamery (with fit out to be carried out by the future licensee), or hire of sporting equipment like bikes, canoes, or other commercial services such as an outlet for gifts, souvenirs, or tourist services.

NATIONAL CAPITAL PLAN

Use of Commonwealth Place premises must be consistent with the National Capital Plan and in particular “Section 4.3 Parliamentary Zone Precinct Code”¹, which sets out the following statement of principles for the Parliamentary Zone:

“The Parliamentary Zone will be given meaning as the place of the people, accessible to all Australians so that they can more fully understand and appreciate the collective experience and rich diversity of this country.”

Relevantly, the place of the people must have:

- intimate enjoyable spaces for individuals and groups
- a dynamic program of national, state and regional events
- accessible and affordable public facilities.

NCA CORPORATE PLAN

As well as being consistent with the National Capital Plan, the NCA’s expectations for the operation of commercial services out of Commonwealth Place are also based on the goals and values described in the NCA’s Corporate Plan.²

Relevantly, this includes:

- creating dynamic precincts and iconic spaces to contribute to the appreciation of the National Capital
- facilitating access, use and enjoyment of National Land for social, recreational and significant life events
- delivering fit for purpose and efficient transaction processes and positive customer experiences

COMMERCIAL SERVICES

Respondents are invited to consider how they might propose commercial services that:

- complement existing commercial and cultural activities and operations
- provide broad market appeal, with flexibility to respond to changing needs and opportunity
- optimise the business potential of the building, the setting, and the returns to the Commonwealth, including the level of investment expected
- maximise accessibility for the public in regard to opening hours
- meet the needs of tourists and visitors to the National Capital as well as the local community
- meet legislative requirements for operation of the buildings and the commercial business, such as Work Health and Safety and noise pollution

¹ See <https://www.nca.gov.au/planning/plans-policies-and-guidelines/national-capital-plan/consolidated-national-capital-plan/precinct-codes#pz>.

² See <https://www.nca.gov.au/about-us/corporate-documents/corporate-plan-2021-22-2024-25>.

- develop an image and presentation that is appropriate to the prestigious location
- interact in a positive way with promotional activities associated with Commonwealth Place, the National Triangle, and the tourism industry in Canberra.

OPERATIONS

EXPERIENCE

NCA envisages a licensee adequately qualified to appropriate standards, ideally with a minimum of 2 years business experience and have in place processes and procedures to engage adequately trained staff. If the business/use proposed by the respondent is hospitality, a demonstrated ability to provide service of high-quality food and beverage items and business ideas for trading onsite taking into consideration seasonal variations is required.

TRADING HOURS

West Kiosk must operate 7 days a week. The NCA will be open to variations to trading hours depending on seasons, weather and events.

PARKING ACCESS

A time restricted loading zone parking space is adjacent to the premises. The licensee will not have access to reserved parking.

FITOUT

The licensee will be required to provide and fund any and all internal fit out necessary for the operation of the proposed business/use to a standard acceptable to the NCA. The use of outdoor spaces is encouraged, but respondents are encouraged to consider seasonal variations.

All fitouts must be fit for purpose. Fitout, including design, theme, colour treatment, signage and materials must be approved by the NCA and be in keeping with the architectural design of the premises and appropriate for this prestigious location.

WASTE AND SUSTAINABILITY

The licensee will be responsible for waste management. The NCA supplies public waste bins outside west kiosk, however commercial waste is not permitted to be placed in these bins.

The licensee will also be required to use environmentally sustainable business practices. The NCA is interested to understand from responses how the respondent will reduce waste, recycle and eliminate waste to landfill through responsible service and packaging options.

LICENCE

NCA envisages a licence agreement term of three (3) years together with a further option of two (2) years depending on a number of factors including but not limited to the level of initial setup costs envisaged and the type of proposed business/use.

For details on the NCA's proposed licence terms and conditions, Respondents are encouraged to review [ATTACHMENT D. LICENCE TEMPLATE](#). Importantly, the licensee will be granted non-exclusive rights to the provision of commercial services at Commonwealth Place. The NCA reserves the right to renew existing licence agreements or issue new licence agreements from time to time for similar and or complementary commercial services in Commonwealth Place and the adjacent areas.



PART C – EVALUATION

EVALUATION CRITERIA

The NCA will evaluate responses to this RFP against the following Evaluation Criteria:

1. Contribution to the vitality of the National Triangle (weighting 65%)

In assessing responses against this criterion, the NCA will consider the extent to which the response demonstrates appreciation of the type of service and the tasks required to successfully operate a commercial service at Commonwealth Place.

Parties expressing interest to submit a proposal **must** include West Kiosk (54.4 sqm) and the outdoor space (200 sqm) and **may** also elect to include some or all of the West Jetty (570 sqm).

Respondents **should**:

- (a) clearly outline the nature of the proposed business/use
- (b) clearly indicate **if** the West Jetty is proposed to be activated (and if yes, when, and how it will be activated)
- (c) provide any market assessments undertaken or analysis of market trends that contributed to the proposed business/use
- (d) indicate how the proposed business/use will contribute to enlivening the National Triangle
- (e) outline the proposed changes/additions to the fit out
- (f) outline the proposed days and hours of operation and explain how the hours will maximise accessibility to the public
- (g) explain how the business will manage any seasonal variations in activity
- (h) explain how the business will prepare and stay resilient in the face of extended business interruptions
- (i) explain how the proposed business/use will comply with any licencing and other regulatory requirements relevant to this type of business/use (e.g., ACT Health Regulations, Actsmart, Single-use plastics ban, liquor regulations, etc.)
- (j) explain whether the proposed business/use will require any special licence conditions or fit-out of the premises, and if so, detail the extent and nature of these special requirements and how they will meet all relevant laws and regulations
- (k) provide any other relevant information.

2. Experience and organisation (weighting 35%)

In assessing responses against this criterion, the NCA will consider the respondent's operating structure, resourcing (including staffing and equipment), and relevant existing/previous experience in the operation of commercial services.

Respondents should provide details on:

- the number of years the respondent has been in the type of proposed business/use
- the respondent's relevant technical and managerial experience
- how the proposed business/use will be resourced including but not limited to financial resourcing, key personnel, number of staff and any other fixtures and fittings required to operate the business, and if this will be an additional business to the respondent's current businesses, explain how the

additional capacity will be organised and maintained

- the respondent's approach to staff recruitment, training, and retention
- the respondent's approach to implementation of maintenance programs for premises and equipment for the proposed business/use
- the respondent's relevant insurance arrangement, work health and safety practices, and records of compliance with other laws and regulatory requirements
- customer loyalty and service feedback
- the respondent's financial capacity
 - if the respondent has established business(es), outline the history and structure of the business and attach a statement from the respondent's accountant on the financial viability of the respondent's business(es)
 - if the respondent is starting up a business, explain how the commercial services are intended to be funded, including proposed capital investment and operating budget
- indicate which clauses of **ATTACHMENT D. LICENCE TEMPLATE** the Respondent will not comply with without amendment, why compliance is difficult, and the amendment(s) the Respondent proposes – this will be considered during evaluation and form the basis for negotiations with the Respondent (if any)
- any other relevant information.

3. Financial proposal (this is a key criterion that is unweighted)

In assessing responses against this criterion, the NCA will consider the substance and structure of the respondent's financial proposal, including the whole-of-life costs and benefits to the NCA as a result of accepting the proposal.

At a minimum, responses must provide a financial proposal that consists of:

- annual GST inclusive base fee to be paid to the NCA monthly for use of the West Kiosk (54.4 sqm) and additional outdoor space (200 sqm); and
- percentage of gross revenue³ of the previous trading year from operating the West Kiosk (and West Jetty if proposed) to be paid to the NCA annually.

Responses that propose the activation of the West Jetty must also propose an annual GST inclusive fee to be paid to the NCA monthly for use of the West Jetty.

Responses must also clearly identify and explain any assumptions and caveats. Respondents are encouraged to make their own assessment of the existing business and articulate potential opportunities and strategies for future revenue generation in the response.

In addition, Respondents can also provide any alternative financial proposal(s) that:

- clearly identify each component of the financial proposal
- provide worked examples of how any fee will be calculated, what revenues are included or excluded and any other relevant information

³ Gross revenue includes all amounts invoiced by, paid to and payable to or on account of or at the direction of the licensee for goods and services sold or provided by the licensee to anyone that is in any way connected with the licensee's use of the licensed area, but excludes:

- (a) any Goods and Services Tax on supplies made by the licensee;
- (b) refunds and returns made by the licensee; and
- (c) amounts not connected with the licensee's use of the licensed area.

SCORING

The NCA will use the following scoring scale when evaluating Responses.

SCORING SCALE FOR EVALUATING WEIGHTED EVALUATION CRITERIA		
Score	Label	Description
5	Very Good	The response satisfies the evaluation criterion to a very high standard and presents minimal or no risk to the Commonwealth. The respondent's claims are fully supported by the information provided.
4	Good	The response satisfies the evaluation criterion to a high standard and/or presents limited risk to the Commonwealth. The respondent's claims are supported by the information provided.
3	Satisfactory	The response satisfies the evaluation criterion to a satisfactory degree and/or presents an acceptable level of risk to the Commonwealth. There are some minor deficiencies and shortcomings in the information provided.
2	Poor	The response barely satisfies the evaluation criterion and/or presents some degree of unacceptable risk to the Commonwealth. There are major deficiencies in the information provided.
1	Unsatisfactory	The response does not satisfy the evaluation criterion and/or presents an unacceptable level of risk to the Commonwealth.
SCORING SCALE FOR EVALUATING FINANCIAL PROPOSAL		
Score	Label	Description
5	Best possible	Taking into account potential pricing fluctuation risks and whole-of-life costs and benefits, the response presents a best possible financial proposal.
4	Good	Taking into account potential pricing fluctuation risks and whole-of-life costs and benefits, the response presents a good financial proposal.
3	Acceptable	Taking into account potential pricing fluctuation risks and whole-of-life costs and benefits, the response presents an acceptable financial proposal.
2	Poor	Taking into account potential pricing fluctuation risks and whole-of-life costs and benefits, the response presents a poor financial proposal.
1	Unacceptable	Taking into account potential pricing fluctuation risks and whole-of-life costs and benefits, the response presents an unacceptable financial proposal.

PART D – RFP TERMS AND CONDITIONS

1. Inconsistencies

- 1.1 If there is inconsistency between any of the parts of this RFP, the following order of precedence shall apply:
 - (a) PART A – INTRODUCTION
 - (b) PART B – REQUIREMENTS
 - (c) ATTACHMENT A. WEST KIOSK & JETTY SITE PLAN
 - (d) ATTACHMENT B. WEST KIOSK LAYOUT
 - (e) ATTACHMENT C. WEST KIOSK FLOOR PLAN
 - (f) PART C – EVALUATION
 - (g) PART D – RFP TERMS AND CONDITIONS
 - (h) PART E – RESPONSE FORM
 - (i) ATTACHMENT D. LICENCE TEMPLATE

so that the provision in the higher ranked document will prevail to the extent of the inconsistency.

2. No contract

- 2.1 No contract will be formed until executed by the NCA. Participation by the Respondent, its subcontractor(s) or their personnel in any stage of this RFP process, or in relation to any matter concerning this RFP, will not be at the NCA's risk, cost or expense.
- 2.2 The NCA, acting in good faith, may discontinue this RFP, decline to accept any response, decline to issue any licence, or satisfy its requirement separately from this RFP process.

3. Reference material

- 3.1 If this RFP references any document or material that is publicly available or obtainable by potential respondents in the relevant industry, including but not limited to reports, plans, drawings, samples or other reference material, the Respondent is responsible for obtaining the referenced material and considering it in framing their Response.

4. Lodging a Response

- 4.1 By lodging a Response, the Respondent agrees that the Response will remain open for

acceptance for 170 business days from the RFP Closing Time.

- 4.2 Responses are subject to these RFP Terms and Conditions and must be lodged by the RFP Closing Time and as required in the RFP Details Schedule.
- 4.3 Potential respondents should submit Responses using the PART E – RESPONSE FORM provided with all details in English and prices quoted in Australian currency.

5. Late Responses

- 5.1 The NCA will only agree to extensions to the RFP Closing Time in exceptional circumstances and, if approved, the extension will apply equally to all potential respondents.
- 5.2 The NCA will not consider any Responses received after the RFP Closing Time specified in this RFP (or as extended) unless the Response is late as a consequence of the NCA's mishandling.

6. Queries, notifications and communications

- 6.1 Any queries regarding this RFP should be directed to the NCA's Contact Officer.
- 6.2 At any time prior to the RFP Closing Time, the NCA may amend or clarify any aspect of this RFP by issuing an addendum to the RFP in the same manner as the original RFP was distributed.
- 6.3 At any time prior to licence execution, the NCA may conduct any of the following activities to maximise value for money of Responses for the Commonwealth:
 - (a) obtain relevant additional information (whether that information is obtained through the RFP process or by any other means);
 - (b) use material provided in response to one evaluation criterion in the evaluation of other criteria;
 - (c) seek clarification or additional information from, and enter into discussions with, any

or all of the Respondents in relation to their Response;

- (d) visit Respondents' or their proposed subcontractors' facilities;
- (e) shortlist one or more Respondents; and/or
- (f) invite shortlisted Respondents to provide additional information, presentations or demonstrations.

6.4 If the NCA requests the Respondent to provide evidence in support of its Response, including any declarations it has made as a part of the Response, the Respondent's failure to provide all such evidence within the time required by the NCA may lead to the Respondent's response being excluded from further evaluation in this RFP.

7. Evaluation

- 7.1 The NCA will evaluate Responses in accordance with the RFP to determine a best value for money outcome for the NCA.
- 7.2 The NCA may at any time exclude a Response from consideration if the NCA considers that the Response is clearly not competitive or decline to consider a Response in which there are alterations, erasures, illegibility, ambiguity or incomplete details.
- 7.3 When considering the financial proposal in a Response, the NCA will consider the whole-of-life costs and benefits to the NCA as a result of accepting the proposal.
- 7.4 If requested by the NCA, the Respondent must be able to demonstrate its ability to remain viable over the expected licence term and must promptly provide the NCA with such information or documentation as the NCA reasonably requires in this regard.
- 7.5 The NCA reserves the right to contact the Respondent's referees, or any other person who can assist in the NCA's evaluation of the Response, directly and without notifying the Respondent.

8. Negotiations

- 8.1 The NCA may engage one or more Respondents in negotiations to achieve a best value for

money outcome for the Commonwealth, which may involve Respondents being asked to clarify, improve, or consolidate any of the technical, commercial, legal, financial, and operational aspects of Responses.

9. RFP outcome

- 9.1 The NCA will notify all entities that submit responses to this RFP of the final decision and, if requested, will provide a debrief following award of the licence.

10. Ethical conduct

- 10.1 The Respondent and their officers, employees, agents and advisors must not engage in any collusive, anti-competitive or any other similar conduct with any other potential respondent or person or offer any unlawful inducements in relation to their Response or this RFP process.
- 10.2 Respondents must notify the NCA immediately if any actual, potential or perceived conflict of interest arises (a perceived conflict of interest is one in which a reasonable person would think that the person's judgement and/or actions may be compromised) and comply with any reasonable directions given by the NCA. As soon as practicable, any verbal advice should be followed by written confirmation.

11. Confidentiality and disclosure

- 11.1 The Respondent and its employees, agents or subcontractors must not:
 - (a) either directly or indirectly record, divulge or communicate to any person any confidential information concerning the affairs of the NCA or a third party that is acquired or obtained in the course of preparing its response to this RFP; and
 - (b) make any public announcements concerning the services or any other matter arising out of the RFP process (including the NCA's acceptance or refusal of the Respondent's response to this RFP) for publication in any media without the prior written approval of the NCA.
- 11.2 If a Response is successful, parts of it may be included in a subsequent licence. The NCA will only agree to treat information in a Response or any subsequent licence as confidential if

doing so would be consistent with Australian Government legislation and policies. Therefore, if the Respondent would like the NCA to agree to keep certain information confidential, it should clearly identify that information to the NCA and explain the reasons for confidentiality in order to obtain agreement from the NCA. In the absence of such an agreement, the NCA has the right to publicly disclose the information.

12. Use of Responses

12.1 This RFP does not affect the ownership of intellectual property rights in the Responses submitted.

12.2 In submitting a Response, the Respondent grants the NCA (including its officers, employees, advisors), Ministers and other Australian Government representatives a perpetual, royalty-free, worldwide, non-exclusive, irrevocable licence (with no right to sublicense) to use, reproduce, adapt, modify and communicate the Response for any purpose related to this RFP, this RFP process, and any resultant licence(s).

13. Reporting Requirements

13.1 The NCA is subject to legislative and administrative accountability and transparency requirements including disclosure to Parliament and its Committees. Without limiting the NCA's right to disclose other information, for any licence awarded, the NCA may publicly disclose:

- (a) the licensee's name, postal address and other details about the licence, including contract value; and
- (b) the names and details of any subcontracts and any subcontractors engaged in respect of the licence. The Respondent is responsible to obtain the subcontractors' agreement to the disclosure of this information.

13.2 Potential respondents should also note the requirements of the *Freedom of Information Act 1982* (Cth).

14. Criminal Code

14.1 The giving of false or misleading information to the Commonwealth is a serious offence under section 137.1 of the schedule to the *Criminal Code Act 1995* (Cth). The Respondent is responsible for ensuring that any intended subcontractors are also aware of this.

15. Future matters

15.1 Information provided by the NCA is based on historical information. Future events and requirements may differ significantly from historical results and the differences may be material. Respondents must make their own independent assessments. Responses will be deemed to have been based upon the Respondents' own independent assessments.

PART E – RESPONSE FORM

Responses should comprise of:

1. a cover sheet substantially in the form of SCHEDULE 1 – COVER SHEET;
2. an executed Declaration substantially in the form of SCHEDULE 2 – DECLARATION; and
3. a completed SCHEDULE 3 – RESPONSE TO EVALUATION CRITERIA.



SCHEDULE 1 – COVER SHEET

All respondents should complete this cover sheet. A response provided by a consortium should provide separate cover sheets for each member of the consortium.

Item	Description	Details	
1.	Respondent legal entity		
	Entity name		
	ABN		
	Web address		
	Registered address		
	Physical office address (if different)		
	Postal Address (if different)		
2.	Respondent contact officer		
	Name		
	Position		
	Phone		
	Email		
3.	Respondent entity's legal status (PLEASE CHOOSE ONE CHECKBOX)		
	<input type="checkbox"/> individual/sole trader <input type="checkbox"/> partnership <input type="checkbox"/> company <input type="checkbox"/> sole director company <input type="checkbox"/> trust (if you are trading as a trust, please attach details of the relevant trust (and trustee) including a copy of the relevant trust deed (including any variations to that deed)) <input type="checkbox"/> other (please state):		
4.	If a licence is granted to the Respondent as a result of this RFP process, which officers of the Respondent are authorised to sign the licence?		
	Please provide the details of at least two officers (e.g. Director or Company Secretary):		
	Name:		Name:
	Position:		Position:
5.	Referees (PLEASE PROVIDE DETAILS OF THREE BUSINESS REFEREES.)		
	Name	Relationship	Contact details

SCHEDULE 2 – DECLARATION

Item	Description	Details
	<p>This is a deed for the benefit of the Commonwealth of Australia as represented by the National Capital Authority ABN 75 149 374 427 (NCA) in connection with this RFP.</p> <p>All respondents should complete and sign this declaration. A response provided by a consortium should provide separate declarations from each member of the consortium. Respondents are reminded that giving false or misleading information to the Commonwealth is a serious offence under section 137.1 of the schedule to the <i>Criminal Code Act 1995</i> (Cth).</p>	
1.	<p>Workplace Gender Equality Act 2012 (WGE Act) (PLEASE CHOOSE ONE CHECKBOX)</p> <p><input type="checkbox"/> The Respondent IS NOT a ‘relevant employer’ under the WGE Act.</p> <p><input type="checkbox"/> The Respondent IS a ‘relevant employer’ under the WGE Act and attaches compliance letter.</p> <p>Please note: if the Respondent is a ‘relevant employer’ under the WGE Act, a current compliance letter must be provided before commencement of any contract and annually thereafter for the duration of the contract as evidence that it complies with its obligations under the WGE Act.</p>	
2.	<p>Employee entitlements and work health and safety</p> <p><input type="checkbox"/> The Respondent understands its obligations under all applicable workplace relations, work health and safety and workers’ compensation laws and complies with all of these obligations.</p> <p>Has the Respondent ever had a judicial decision about employee entitlements or engaged in practices that have been found to be dishonest, unethical or unsafe?</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes – please state the Date of Discharge: _____</p> <p>Please note: the NCA cannot contract with an entity who has an undischarged judicial decision relating to employee entitlements.</p> <p>Has the Respondent had any adverse Court or Tribunal decision for a breach of workplace relations law, occupational health and safety law, or workers’ compensation law, in the two years preceding the ATM Closing Time of this ATM?</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes, but the Respondent has fully complied or is fully complying with all penalties or orders arising from any such Court or Tribunal decisions other than the following:</p> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> <p><i>Insert details or write ‘None’.</i></p> </div>	
3.	<p>Modern slavery</p> <p>Modern slavery is an umbrella term that includes a wide range of serious exploitative practices in supply chains that involves the loss of freedom, like forced labour, debt bondage, trafficking and servitude. These practices are serious crimes, grave abuses of human rights and have devastating impacts on survivors. The Australian Government aims to change the way entities do business to reduce the risk that the goods and services we use every day are the product of modern slavery. See https://www.homeaffairs.gov.au/criminal-justice/Pages/modern-slavery.aspx</p> <p>Is the Respondent required to report under the <i>Modern Slavery Act (Cth) 2018</i>?</p> <p><input type="checkbox"/> Yes – please attach the modern slavery statement and answer the following questions.</p> <p><input type="checkbox"/> No – please answer the following questions.</p> <p>How much visibility does the Respondent have over its supply chain?</p> <p><input type="checkbox"/> High: the Respondent has mapped the full supply chain for key products and services it uses and have identified key suppliers at all levels of its supply chain.</p>	

Item	Description	Details
	<input type="checkbox"/> Moderate: the Respondent has identified major suppliers who provide products directly without dealing with a middleman or other manufacturer and has partially or fully mapped the supply chains for key products and services of the Respondent’s supply chain. <input type="checkbox"/> Developing: the Respondent has identified major suppliers who provide products directly without dealing with a middleman or other manufacturer but has very limited or no visibility of the Respondent’s supply chains other than that.	<p>Does the Respondent have a policy in place to deal with modern slavery?</p> <input type="checkbox"/> Yes – please attach the policy <input type="checkbox"/> No
	<p>Does the Respondent have personnel responsible for overseeing modern slavery risks (including record keeping regarding its contractors and subcontractors)?</p> <input type="checkbox"/> Yes – please attach the policy <input type="checkbox"/> No	
	<p>Are the Respondent’s personnel trained on how to identify, assess and respond to modern slavery risks?</p> <input type="checkbox"/> Yes – please attach information on the roles of trained staff and the nature of the training <input type="checkbox"/> No	
	<p>Does the Respondent screen prospective suppliers to assess the risks of modern slavery or other human rights harms that may occur in its operations and supply chains?</p> <input type="checkbox"/> Yes – please attach information on the screening process <input type="checkbox"/> No	
	<p>Is the Respondent aware of low-skilled migrant workers working in its supply chains?</p> <input type="checkbox"/> No <input type="checkbox"/> Yes , low-skilled migrant workers are working in the following parts of our supply chains: <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"><i>Insert details</i></div>	
4.	<p>Conflicts of interest (PLEASE INDICATE COMPLIANCE USING ALL CHECKBOXES)</p> <p>Having made all reasonable enquiries and to the best of the Respondent’s knowledge, the Respondent declares the following real or apparent conflicts of interest: <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"><i>Insert description of real or apparent conflicts of interest or write ‘None’.</i></div> </p> <p>Except as declared above, the Respondent hereby confirms that:</p> <input type="checkbox"/> there is no real or apparent conflict of interest arising through the Respondent, a subcontractor or their personnel (or any of their immediate family, relatives, business partners, associates or friends) engaging in any activity or obtaining any interest that is likely to or may appear to impair, interfere with or restrict the Respondent or a subcontractor in providing the commercial services diligently, fairly and independently; and <input type="checkbox"/> the Respondent, subcontractors and their personnel do not have a relationship with, or obligations to, an organisation which would affect the potential provision of the commercial services or would bring disrepute or embarrassment to the NCA.	
5.	<p>Compliance and consent (PLEASE INDICATE COMPLIANCE USING ALL CHECKBOXES)</p> <input type="checkbox"/> The Respondent’s response to this RFP was prepared: without improper assistance of current or former Commonwealth officers, employees, agents or contractors; without the use of information improperly	

Item	Description	Details						
		<p>obtained from the Commonwealth; and without breaching any confidentiality obligations to any entity.</p> <p><input type="checkbox"/> The Respondent's response to this RFP is submitted in accordance with this RFP and the Respondent undertakes to continue to participate in the RFP process in accordance with the RFP and on the basis of its Response.</p> <p><input type="checkbox"/> The Respondent has the capacity to respond to this RFP by way of this Response and there are no restrictions under any relevant law to prevent it from so responding.</p> <p><input type="checkbox"/> The Respondent complies with all applicable laws and has implemented appropriate policies, procedures and practices with respect to labour regulations (including ethical employment practices), workplace health and safety, and environmental impacts.</p> <p><input type="checkbox"/> The Respondent consents to the NCA undertaking such security, probity and/or financial investigations as the NCA considers necessary in relation to the Respondent, its partners, associates, subcontractors or related entities, and in relation to their respective personnel.</p>						
6.	Reliance and governing law (PLEASE INDICATE COMPLIANCE USING ALL CHECKBOXES)	<p><input type="checkbox"/> The Respondent has read and understands all parts of this RFP, including its schedules and attachments, and considers itself to be sufficiently informed about its potential rights and obligations in relation to this RFP.</p> <p><input type="checkbox"/> The Respondent understands that the NCA does not warrant that the information in the RFP or any other information provided by the NCA, its officers, agents or advisers is accurate or exhaustive. The Respondent also does not rely on any part of this RFP as investment, accounting, financial, legal or tax advice.</p> <p><input type="checkbox"/> Other than this SCHEDULE 2 – DECLARATION, no binding contract (including a process contract) or other understanding (including any form of contractual, quasi-contractual, restitutionary rights, or rights based upon similar legal or equitable grounds) will exist between the NCA and the Respondent unless and until a licence is signed by the NCA and the Respondent as a result of this RFP.</p> <p><input type="checkbox"/> The Respondent understands and agrees that this SCHEDULE 2 – DECLARATION is a deed governed by, and will be construed in accordance with, the law in force in the Australian Capital Territory. The Respondent irrevocably and unconditionally submits to the non-exclusive jurisdiction of the courts of that jurisdiction.</p>						
7.	Execution as a deed	<p>SIGNED, SEALED AND DELIVERED for and on behalf the Respondent by its duly authorised representative who warrants that they have the authority to sign this deed on behalf of the Respondent:</p> <table border="1" data-bbox="284 1501 1459 1753"> <tr> <td data-bbox="284 1501 868 1606">_____ Signature of authorised representative</td> <td data-bbox="868 1501 1459 1606">_____ Signature of witness</td> </tr> <tr> <td data-bbox="284 1606 868 1711">_____ Name of authorised representative</td> <td data-bbox="868 1606 1459 1711">_____ Name of witness</td> </tr> <tr> <td data-bbox="284 1711 868 1753">_____ Dated</td> <td data-bbox="868 1711 1459 1753">_____ Dated</td> </tr> </table>	_____ Signature of authorised representative	_____ Signature of witness	_____ Name of authorised representative	_____ Name of witness	_____ Dated	_____ Dated
_____ Signature of authorised representative	_____ Signature of witness							
_____ Name of authorised representative	_____ Name of witness							
_____ Dated	_____ Dated							

SCHEDULE 3 – RESPONSE TO EVALUATION CRITERIA

Respondents should address each Evaluation Criteria detailed in **PART C – EVALUATION**.

Response to Evaluation Criteria 1: Contribution to the vitality of the National Triangle					
Proposed trading hours for West Kiosk:	Time of year	Mon-Thur	Fri	Sat-Sun	
	June, July, August				
	All other months				
Does your Response include a proposal to activate the West Jetty?	<input type="checkbox"/> Yes (activation of whole jetty)		<input type="checkbox"/> Yes (activation of part of jetty)		<input type="checkbox"/> No
INSERT DETAILED RESPONSE TO EVALUATION CRITERIA 1					

Response to Evaluation Criteria 2: Experience and organisation

Position on compliance with ATTACHMENT D. LICENCE TEMPLATE:

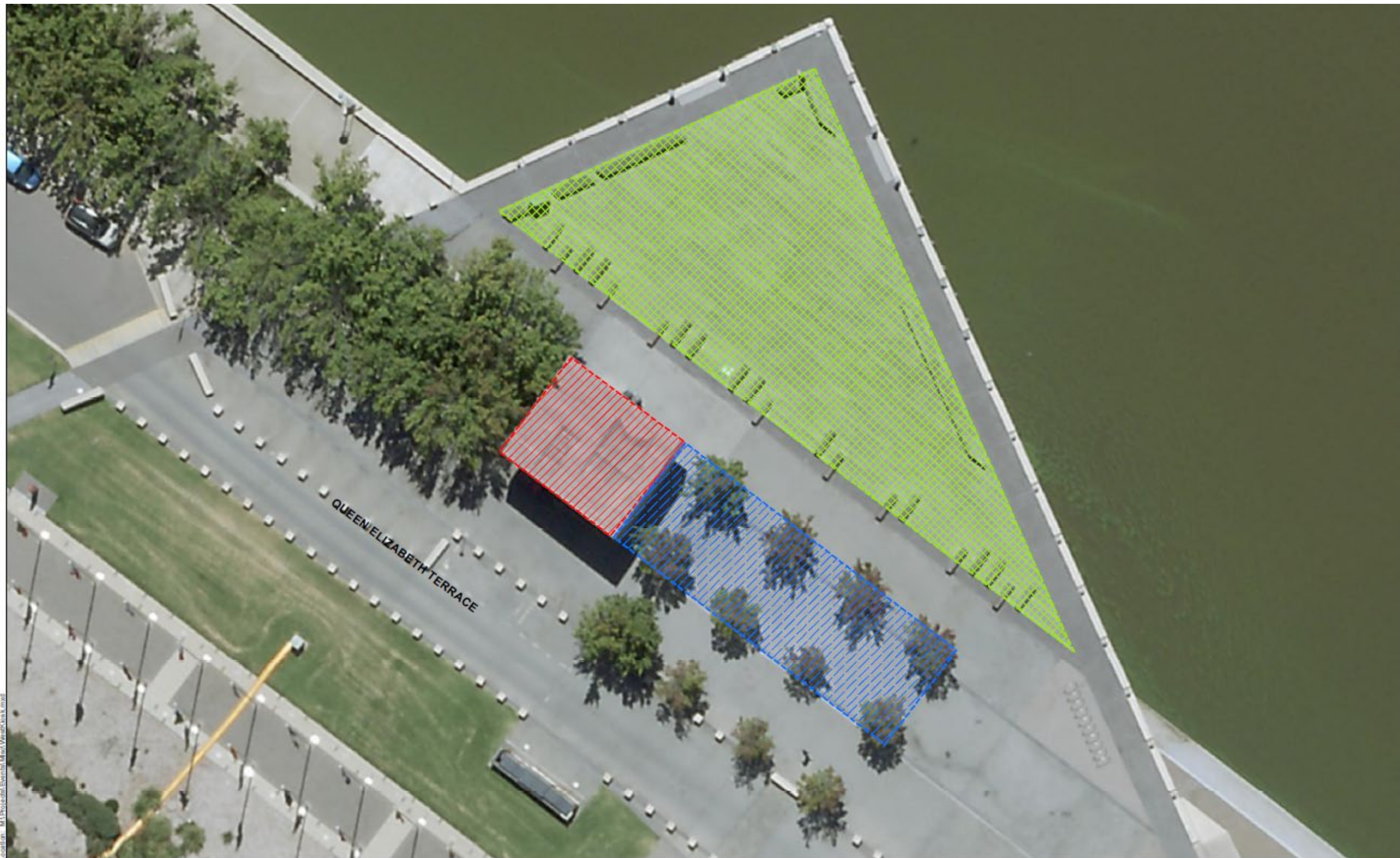
Clause	Reason for non-compliance	Proposed amendment

INSERT DETAILED RESPONSE TO EVALUATION CRITERIA 2

Large empty rectangular box for detailed response to evaluation criteria 2.

Response to Evaluation Criteria 3: Financial proposal	
Components	Proposal
(a) annual GST inclusive base fee to be paid to the NCA monthly for use of the West Kiosk (54.4 sqm) and additional outdoor space (200 sqm)	\$_____ (GST inclusive)
(b) percentage of gross revenue from operating the West Kiosk (and West Jetty if proposed) of the previous trading year to be paid to the NCA annually	__% of revenue receipts
(c) (if proposal includes activation of West Jetty) annual GST inclusive fee to be paid to the NCA monthly for use of the West Jetty in accordance with the proposal	\$_____ (GST inclusive)
Assumptions	Price effect of assumptions
Caveats	Information or events required to remove caveats
Alternative financial proposal(s)	
Additional information	

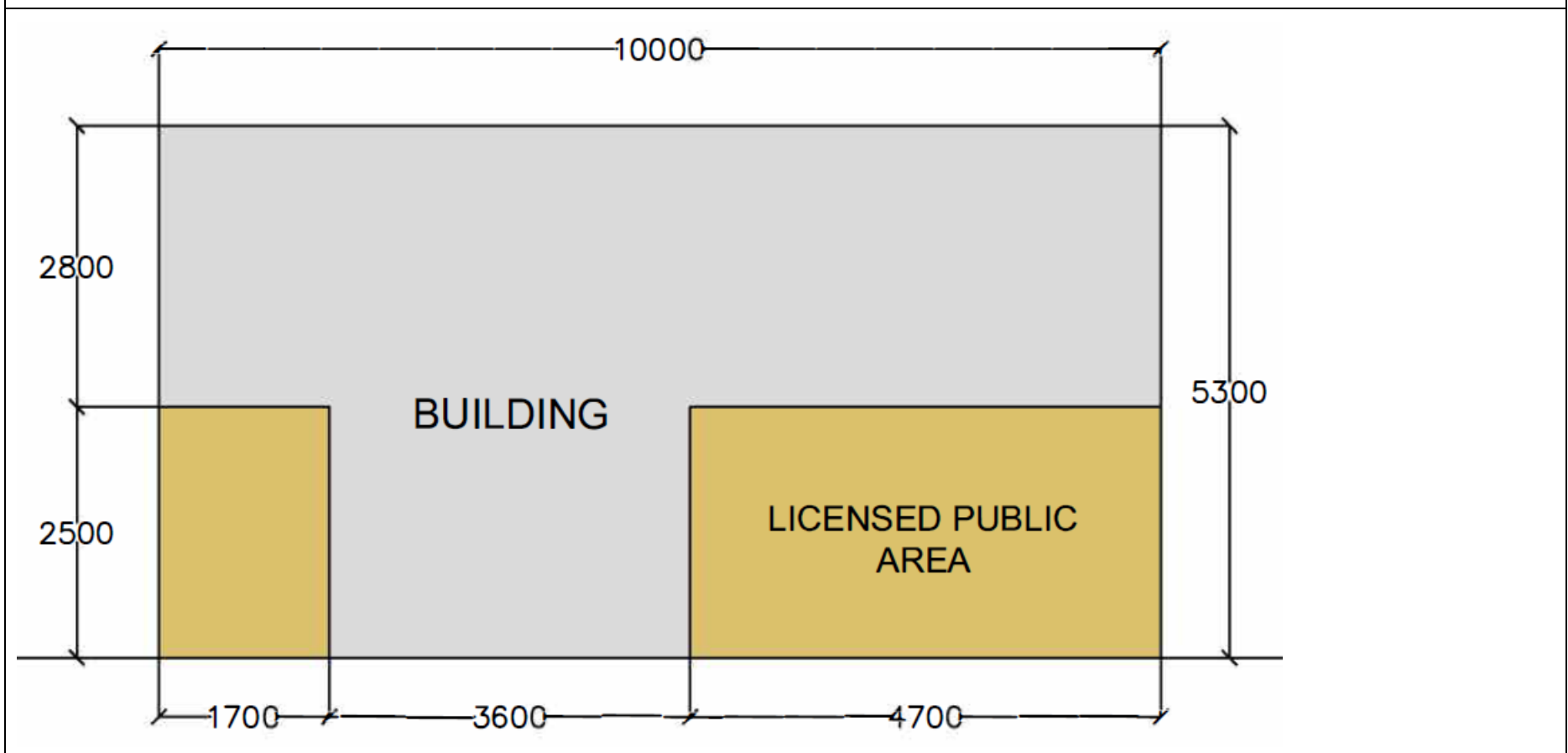
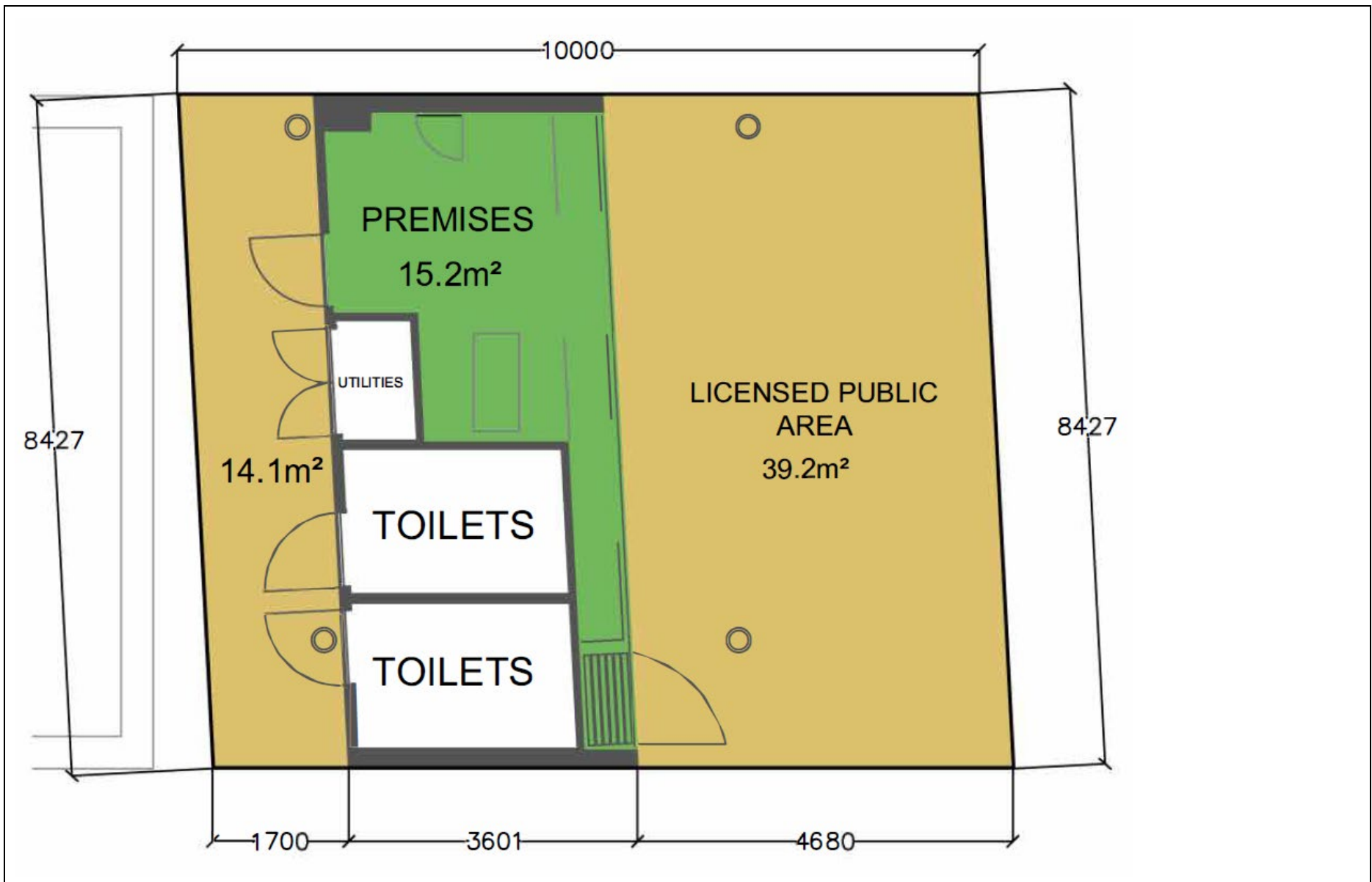
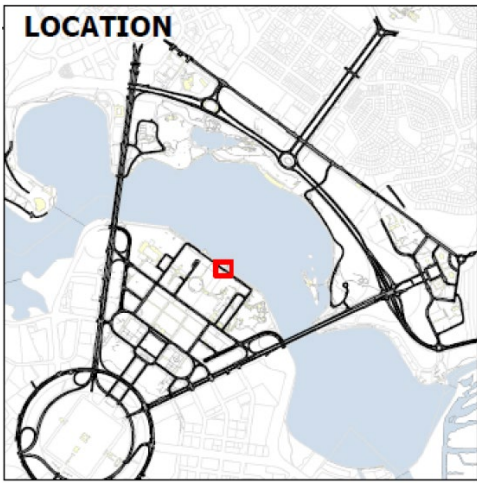
ATTACHMENT A. WEST KIOSK & JETTY SITE PLAN



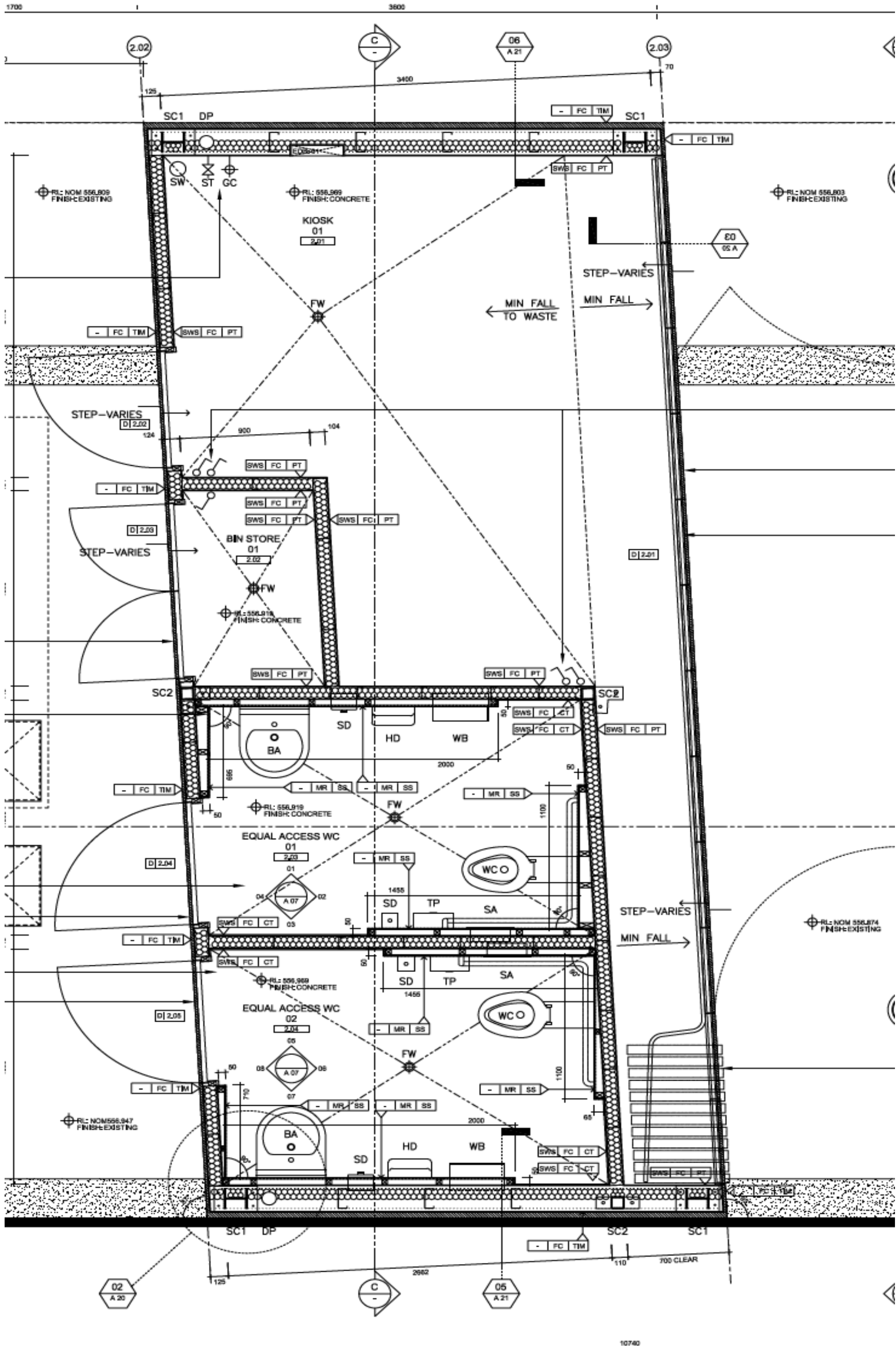
Location: M:\Projects\External\Map\WestKiosk.mxd

 <p>Australian Government National Capital Authority</p> <p>Treasury Building, King Edward Terrace, Parkes ACT 2600. GPO Box 373 Canberra ACT 2601 T 02 6271 2888 F 02 6273 4427 www.nca.gov.au</p>	<p>Map Title: West Kiosk & Jetty Licence Areas</p> <p>© 2022 Commonwealth of Australia.</p>	<p> Area A: West Kiosk (54.4sqm)</p> <p> Area B: West Kiosk Additional Outdoor Space (200sqm)</p> <p> Area C: West Jetty (560sqm) Optional</p>	<p>Date: 21/02/2022</p> <p>Scale: 1:250</p> <p>Drawn: JN</p> <p>Checked:</p> <p>Revision:</p>	

ATTACHMENT B. WEST KIOSK LAYOUT



ATTACHMENT C. WEST KIOSK FLOOR PLAN



ATTACHMENT D. LICENCE TEMPLATE

SEPARATELY ATTACHED