

15 February 2023

INVITATION TO QUOTE FOR PROVISION OF APPOINTMENT OF REAL ESTATE AGENT FOR SALE OF 231 SHEAFFES ROAD, DOMBARTON

QUOTATION NUMBER: E1000341

Wollongong City Council has resolved to sell one of Council's significant land holdings from its property portfolio in the West Dapto Urban Release Area. It is estimated that the West Dapto Urban Release Area will provide around 19,500 dwellings and an additional population of around 56,500 people once fully developed.

The property is known as 231 Sheaffes Road, Dombarton and is a 42.5 hectare site. In line with Council's objectives, Council wishes to engage an experienced and qualified real estate agency to assist and act for Council in the disposal. Noting the high profile of this parcel of land, Council is seeking to engage a real estate agency with the sales experience and expertise to bring value and achieve the best possible commercial outcome for a transaction of this nature.

The objectives that Council, via the appointed real estate agent, desires to achieve from the disposal include:

1. Highest market value;
2. Reputable purchaser; and
3. Heritage obligations are adhered to in accordance with positive covenant registered on title.

Priority consideration will be given to:

1. Purchaser introducing an invest and retain model; and
2. Purchaser planning to retain and incorporate the heritage buildings into the development.

Council invites quotations in accordance with this Invitation and the accompanying documents:

- Form of Quotation;
- Specification; and
- Contract - "proposed contract".

Method of submission

Quotations must be submitted electronically through Council's eTendering portal at <https://www.tenderlink.com/wollongong/> as set out in paragraph 5 of this Invitation.

Quotation documents

This Invitation to Quote together with the Form of Quotation, specification and proposed contract are collectively referred to as the "Quotation Documents".

1 QUESTIONS AND REQUESTS FOR INFORMATION

All questions and requests for information or clarification concerning the Quotation Documents must be directed through the forum in Council's eTendering portal at <https://www.tenderlink.com/wollongong/>.

IMPORTANT: If you experience difficulty in uploading quotation documents or do not have access to the internet you should contact Council's Supply Chain and Logistics Management Branch on telephone (02) 4227 8885. Contact must be made with enough time prior to the close of quotations to allow for an alternate method of submission to be provided.

2 SITE INSPECTION

A site inspection, for the sole purpose of allowing respondents to view the site will be held on **23 February 2023** at **10.30am to 11.30am**.

3 CLOSE OF QUOTATIONS

In order to be considered by Council your quotation must:

- be submitted electronically on the attached Form of Quotation before **10.00 am on 7 March 2023 (close of quotations)** through Council's eTendering portal at <https://www.tenderlink.com/wollongong/>; and
- remain open for acceptance by Council for a period of 90 calendar days from the close of quotations.

4 CRITERIA FOR ASSESSMENT OF QUOTATIONS

The assessment of quotations will be based upon the following criteria and corresponding weightings:

Mandatory Criteria (Criteria that must be satisfied for a quotation to be assessed)

Referees	Tenderers must provide evidence and satisfactory references from previous projects where they have sold a development site within the last three years for a minimum price of \$5,000,000.
Financial capacity	Tenderers must provide suitable evidence to confirm they operate a compliant trust account. Tenderers may be required to provide information required by an independent financial assessment provider engaged by Council. Council will review and determine whether such financial assessment is acceptable to Council and demonstrates the tenderer's financial capacity to undertake the works.
Qualifications and certifications	Tenderers must demonstrate that they are currently licensed and suitably qualified to conduct real estate operations of the size and scope required for this project.

Assessable Criteria and Weightings

Assessable Criteria and Weightings	Weighting
Cost to Council	35%
Nature of proposed sales strategy and marketing approach	20%
Experience and satisfactory performance in provision of real estate services of similar size, scope and risk profile, including staff qualifications and experience.	25%
Project Schedule and proposed timeframes	10%
Demonstrated strengthening of local economic capacity	10%

Your quotation must include all necessary supporting documentation to demonstrate your level of compliance or standing against the nominated criteria.

Council may engage a consultant to independently evaluate the technical information supplied with your quotation and Council may make its own inquiries in relation to the respondent's previous performance in undertaking projects of similar size and scope.

In accordance with Council's procurement processes, should the quotation price exceed Council's price threshold, Council reserves the right to proceed with a secondary tender process. In this event, tenderers may be required to re-submit documentation to meet procurement requirements.

5 SUBMISSION OF QUOTATIONS

Your quotation must:

- be transmitted to Council, in **PDF format**, before the close of quotations, through its eTendering portal at: <https://www.tenderlink.com/wollongong/> - if you require assistance in submitting your quotation you should contact the Tenderlink customer service area on 1800 233 533;
- be submitted in the format as received from Council and may be compressed in a format that can be decompressed by WinZip provided that the quotation does not contain self-extracting (*.exe) zip files or zip files that are locked with a password;
- be effected by a secure mechanism (such as encryption-based technology) that ensures it cannot subsequently be altered;
- not include any macros, applets or executable code or files;
- be free from viruses and have been checked with an up-to-date virus-checking program;
- be complete (i.e. contain the completed Form of Quotation and any attachments referred to in the Form of Quotation); and
- be received by Council before the close of quotations such that all electronic files are able to be accessed and read by authorised users of Council's information system.

You must not change existing text in the Form of Quotation or other quotation documents other than in order to insert the required information.

If you have difficulty submitting your quotation electronically you must contact Council's Procurement Management Branch on telephone (02) 4227 8885 immediately.

Council may decline to consider or accept any electronically submitted quotation which is incomplete or corrupt.

6 THE CONTRACT

The successful respondent will be required to enter into a contract with Council in accordance with the standard proforma REINSW template Exclusive Selling Agreement, subject to any and all reasonable revisions required by Council to ensure Council's compliance in respect of:

- (a) all procurement legislation, including the negotiation of a fixed commission rate payable under the Exclusive Selling Agreement;
- (b) implementation of the requirements in the attached Specifications documentation;
- (c) implementation of the requirements in Council's attached Purchasing Terms and Conditions available via <https://wollongong.nsw.gov.au/council-projects/tenders-eois-and-quotations/purchasing-terms-and-conditions>; and
- (d) implementation of the requirements of Council's Code of Business Ethics available via https://www.wollongong.nsw.gov.au/data/assets/pdf_file/0021/8841/Code-of-Business-Ethics.pdf

Council reserves the right, in its absolute discretion, to amend the proposed contract at any time in order to correct errors or anomalies and to conduct negotiations with the successful respondent in relation to the terms and conditions of the proposed contract.

The successful respondent will be required to become accredited with Council's on-line contractor management service provider Conserve at <https://conserve.com.au/> and maintain the accreditation for the life of the contract.

7 PROJECT SCHEDULE

The Project Schedule, if required to be provided in clause 1 of the Form of Quotation, must be presented so as to enable Council to make an assessment of the proposed sequence of implementation of the proposed contract and the estimated duration and completion time for each phase. For the purpose of preparing your Project Schedule (only), you may assume that the proposed contract will commence 28 days after lodgement of your quotation with Council.

8 RESPONDENT'S UNDERTAKING

An undertaking in the form of clause 4 of the Form of Quotation must be made by a person authorised to make such an undertaking.

This undertaking includes an acknowledgement and declaration that you have not offered any inducement to a member of Council staff or Councillor in relation to the contract.

Respondents are advised that a contract entered into with the successful respondent may be suspended or terminated if it is found that the contractor had engaged in corrupt, collusive or anti-competitive conduct during the quotation process or after commencement of the contract.

9 CONFLICT OF INTERESTS DECLARATION AND STATEMENT

As part of the undertaking in the form of clause 4 of the Form of Quotation you must declare to Council any actual or potential conflict of interests which may arise in respect of the provision of goods and services under or in connection with the proposed contract.

If your declaration reveals an actual or potential conflict of interests then you must provide and attach to the Form of Quotation, written advice of that conflict of interests and how you would propose to manage it if your quotation is successful.

10 OWNERSHIP OF QUOTATIONS, CONFIDENTIALITY AND LICENSING

Title to all documents, materials, articles and information forming part of a quotation submitted to Council is transferred to Council upon submission and becomes part of a State Record pursuant to the State Records Act 1998.

You must keep confidential, maintain proper and secure custody of and not use or reproduce in any form any information provided by Council as part of the quotation process without the written approval of Council or as required by law.

By submitting a quotation you are licensing Council to use and reproduce the material in your quotation for the purpose of assessing the quotation.

11 AMENDMENT OF QUOTATION DOCUMENTS

Council reserves the right to revise or amend the Quotation Documents prior to the time specified by Council for submission of quotations and, if this occurs, will take all reasonably practicable steps to inform persons issued with Quotation Documents of the amendments by issuing Addenda in identical form to each of those persons.

You must acknowledge receipt of each Addendum in clause 3 of the Form of Quotation.

12 NON-COMPLYING OR ALTERNATIVE QUOTATION

Council reserves the right to accept a non-complying or alternative quotation, i.e. a quotation which:

- does not comply with any requirement specified in this Invitation to Quote, the Form of Quotation or the Specification; or

- contains any qualification, condition or other indication that the respondent is not willing to perform the proposed contract in strict accordance with the proposed contract; or
- provides innovative solutions or affords some advantage in economy, performance or operating facility to Council.

In order for a non-complying Quotation to be considered by Council, respondents should also submit a complying Quotation.

13 ACCEPTANCE AND REJECTION OF QUOTATIONS

After considering the quotations submitted, Council may:

- accept the quotation that, having regard to all the circumstances, appears to it to be the most advantageous (which may or may not be the quotation with the lowest cost to Council or, in the case of a quotation involving a payment to Council, the highest offer); or
- decline to accept any of the quotations.

It should be noted that, pursuant to Section 55 of the *Local Government Act 1993*, Council is unable to enter into a contract arising from a quotation process for a contract sum of greater than tender value, currently \$250,000.00 (inclusive of GST), other than in circumstances permitted by the *Local Government (General) Regulation 2021*. In the event that the contract sum in the preferred quotation exceeds this amount the Act requires Council to decline to accept any of the quotations and to recommence the procurement process by means of a formal tender process as prescribed by the Act and the *Local Government (General) Regulation 2021*.

This letter is authorised by

Mitchell Daly
Statutory Property Officer
Wollongong City Council

Attachments:

- *Form of Quotation*
- *Specification*