



CITY OF MANDURAH

Expression of Interest (EOI)

Title:	Markets in Mandurah (Sunday Markets Trail)
Lodgement Details:	EOI's are to be submitted by email no later than the closing date and time below, to: CityCentreProject@mandurah.wa.gov.au
Closing Date and Time (AWST):	Friday 13 August 2021, 5pm AWST

All enquiries regarding this EOI should be directed to:	
Name:	Marzel Norton
Position:	City Centre Place Manager
Email:	Marzel.norton@mandurah.wa.gov.au
Phone:	0439527304

Section 1 – Requirements

Overview of the Sunday Markets Trail	<p>The City of Mandurah is seeking submissions from suitably capable and experienced individuals or organisations to operate and manage a market(s) within key City Centre public spaces.</p> <p>The City is trialling a network of quality markets once a month on Sundays (October – April) and is looking for creative and innovative markets that will meet key strategic objectives, including (but not limited to) activating public spaces, providing the opportunity for community connections, engaging with local artists, enhancing the visitation experience and supporting local businesses and economic development.</p>
Aim	<p>To positively showcase Mandurah, its foreshore and Marina to residents and visitors via a City Centre visitation product (Sunday Market Trail).</p>
Objectives	<ol style="list-style-type: none"> 1. Create a new Day-tripper offer on a Sunday; 2. Improve the Market experience by creating a trail of diverse types and styles of markets across the City Centre.
Term	<p>1 October 2021 to 30 April 2022</p> <p>As the first year is a trial, approval for 1 year is granted. Depending on the program’s success, length of approvals to operate may extend.</p>
Fee	<p>Waivered for 2021/2022 trial period</p>
Operational hours	<p>First Sunday of every month from October 2021 to April 2022.</p> <p>Suggested time 10am to 3pm</p> <p>Note: you can recommend different times in your EOI</p>
Locations Available	<p>You can select one or more of the sites as part of your submission.</p> <p>Site 1: Mewburn Gardens (Sholl St, Mandurah) Site 2: Smart Street Mall Site 3: Mandjar Square Site 4: Mandurah Ocean Marina / Keith Homes Reserve</p> <p>If you have another City Centre site in mind, this may be considered. However please contact the Place Manager before progressing with the submission.</p> <p>Please note: Eastern Foreshore North site is mentioned above. This site is not available for 2021/2022 (existing Market Operator approved).</p>
Market Operator Eligibility	<p>Market coordinators can be non-profit or commercial entities with an ABN or CAN.</p>

Assessment Criteria	<p>All Expressions of Interest submissions are assessed against the project criteria. These are:</p> <ul style="list-style-type: none"> • Uniqueness of market theme • Ability to attract at least 20 per cent local stall holders (Mandurah businesses) • Quality of product and stall holders • Experience in coordinating events, markets and stall holders
What the successful applicants receive	<ul style="list-style-type: none"> • No booking fees for Sunday (Oct 2021 to April 2022) • Street performers and workshops located within or nearby market footprint. Note: extent of this program is dependent on budget. Full program and location will be provided in September. • Centralised online marketing showcasing the trail and its market operators through City of Mandurah channels. • Trail branded marketing collateral e.g. banners and signage.
Sunday Market Trail Stages	<p>Stage 1 – EOI Application and Assessment Stage 2 – Successful Applicants submit and meet Market booking requirements, including necessary permits Stage 3 – Formally accepted as a Sunday Market Trail Operator Stage 4 – Liaison and engagement regarding activation and marketing programs</p>

Information for Respondents	
EOI Conditions	This EOI process will be governed by the EOI Conditions contained in Section 2 .
Appointment Process	<p>Phase 1: EOI Applications Close 13 August 2021</p> <ul style="list-style-type: none"> - Read Support Information: Guidelines and Booking Application - Submit EOI Application Form <p>Phase 2: Booking and approvals Close 27 August</p> <ul style="list-style-type: none"> - Phase 2 successful applicants submit Booking Application - Formal acceptance of approved Markets in Mandurah Operators <p>Phase 3: Programming discussions before 10 September</p> <ul style="list-style-type: none"> - City funded Marketing and Activation program provided to Operators
City Centre Markets Guidelines	Sunday Market Trail Market Operators must read the guidelines attached and meet the Market Operator requirements outlined on page 2 of this document.

Insurance and permit requirements	<p>(a) Workers' Compensation Insurance in accordance with the <i>Workers' Compensation and Injury Management Act 1981(WA)</i>;</p> <p>(b) Public Liability insurance for a minimum of \$20 million in respect of each claim;</p> <p>(c) Current Certificate of Operation issued by Australian Maritime Safety Authority.</p>
Markets & Food Truck Booking Form	Successful applicants will be required to submit this form with any information required for City approvals or permits.
Providing an EOI	Respondents must complete Section 3 – Respondents Offer

Definitions

City	City of Mandurah, 3 Peel Street, Mandurah, WA, 6210.
Market Operator	The individual or group who intend to operate the market and who will enter into an agreement with the City for the use of the site.
Council Land	Land owned or controlled by the City. Land owned by the City includes operational and community land; land controlled by the City includes roads (including footways) and Crown reserves.
Respondent	Party who has or intends to submit an Offer to the City.
Respondents EOI Submission	The submission is Section 3 of this EOI, including the submission of site map and relevant documents.
Ongoing markets	A regularly scheduled outlet for the sale of goods and services at the same or similar location, with the majority of goods and services provided by the producer, grower, craftsperson or service person.

City Centre Area	
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Section 2 – EOI Conditions

1. Interpretation

These EOI Conditions may be used where the City of Mandurah (City) is seeking expressions of interest from prospective Market Operators with an intention of entering into a Public Open Space Booking Contract, at the City's discretion. The City will select the Market Operators that will deliver the most advantageous benefit to the City.

2. EOI process

2.1. Market Operator acceptance

By submitting a proposal, the Market Operator:

- (a) Accepts these EOI Conditions.
- (b) Accepts the requirement to enter into Public Open Space with the City prior to be accepted as a Sunday Market Trail Operator.

2.2. City discretion

The City may make changes to the EOI process in its absolute discretion by notifying the Market Operators in writing. Without limitation, the City may:

- (a) make minor changes to the Requirements;
- (b) extend the Closing date and time;
- (c) reject a proposal received after the Closing date and time;
- (d) accept non-Conforming Offers;
- (e) reject any or all proposals;
- (f) amend evaluation criteria stated in the EOI before it closes, by notifying such amendments in writing;
- (g) hold discussions with a preferred Market operator on any matter contained (or proposed to be contained) in a proposal to the exclusion of others;
- (h) cancel the EOI process by written notice.

The Market Operator will not make any claim in connection with a decision by the City to exercise or not to exercise any of its rights in relation to the EOI process.

3. No reliance on information

The Market Operator is responsible for making its own investigation and assessment about all matters relevant to the EOI, the Requirements, the accuracy of all information and documents provided by or on behalf of the City, and all other matters relevant to

the Market Operator's proposal. Market Operator must ensure they familiarise themselves with likely site conditions and potential hazards or risks.

4. Market Operator cost

Participation in the EOI process is at the Market Operator's cost. The City is not required to pay compensation to the Market Operator in relation to the EOI process in any circumstances, for any reason.

5. Subject to contract

Market Operators will be required to enter into a Public Open Space Booking Contract with the City, which constitutes a binding contract between the Market Operator and the City.

6. Compliance

The Market Operator must:

- (a) direct all enquiries relating to the EOI to the City's nominated contact person, and not discuss the EOI with any other person except as required to prepare its proposal.
- (b) comply with all Laws.
- (c) keep confidential all confidential information which it obtains as part of the EOI process, not use it except for the purpose of responding to the EOI, and not disclose it except to its Personnel on a need to know basis for the purpose of responding to the EOI, or with the City's consent, or to the extent required by Law, or to its professional advisors.
- (d) not make any public announcements or advertisement relating to the EOI process.
- (e) ensure that its Personnel also comply with these requirements.
- (f) ensure that all representations, warranties, declarations, statements, information and documents ("information") made or provided by the Market Operator in connection with the EOI process are complete, accurate, up-to-date and not misleading in any way. The Market Operator must immediately tell the City if any information is or becomes incomplete, inaccurate, out-of-date or misleading in any way.

7. Anti-competitive conduct, conflict of interest

7.1. Anti-competitive conduct

The Market Operator warrants that neither it, nor its Personnel have engaged in any collusive, anti-competitive or similar conduct in connection with the EOI process.

7.2. Conflict of Interest

The Market Operator warrants that it and its Personnel do not hold any office or possess any property, are not engaged in any business or activity and do not have any obligations whereby a Conflict of Interest is created, or may appear to be created, in conflict with its obligations under these EOI Conditions or the proposed Contract, except as disclosed in the Market Operator's proposal.

The Market Operator warrants that it will not, and it will ensure that its Personnel do not, place themselves in a position that may give rise to a Conflict of Interest between the interest of the City and the market operator's interests during the EOI process.

The Market Operator warrants that it will immediately notify the City if any Conflict of Interest arises after lodgement of the Market Operator's proposal.

7.3. Warranties are ongoing

The warranties in this section are provided as at the date of the Market Operator's response to the EOI and on an ongoing basis until the

later of the City notifying the Market Operator that its proposal has been rejected and expiry or termination of any Contract entered pursuant to the EOI process.

The Market Operator warrants that it will immediately notify the City if it becomes aware that any warranty made in this section was inaccurate, incomplete, out-of-date or misleading in any way when made, or becomes inaccurate, incomplete, out-of-date or misleading in any way, during the relevant period.

7.4. Breach of warranty

In addition to any other remedies available to it under Law or contract, the City may, in its absolute discretion (but is not required to), immediately disqualify a Market Operator that it believes has breached any warranty in this clause.

8. Market Operator Confidential Information

The City will keep all confidential information of the Market Operator which it obtains as part of the EOI process. The City may use Market Operator confidential information for the purposes of the EOI process.

The City may disclose Market Operator confidential information externally:

- (a) as required by Law; or
- (b) to its professional advisors.

Section 3 – Respondents Offer

Instructions to Respondents

Complete all sections of the table below and return it together with any attachments to the email address nominated on the front of this Expression of Interest.

Respondent Offer	
Expression of Interest Title	
Registered entity name of Respondent	
Business/Trading name (if applicable)	
Registered Street Address of Business	
Postal Address (if different from above)	
Business status	<input type="checkbox"/> Sole Trader <input type="checkbox"/> Partnership <input type="checkbox"/> Company <input type="checkbox"/> Trust <input type="checkbox"/> Other:
ACN	
ABN	
Are you a Local Business? (Permanent office located within the district of Mandurah)	<input type="checkbox"/> Yes <input type="checkbox"/> No
Contact Person	<i>Name:</i>
	<i>Position:</i>
	<i>Email:</i>
	<i>Ph number:</i>
Acceptance of the City's EOI Conditions	<input type="checkbox"/> I agree with the City of Mandurah EOI Terms and Conditions
	<i>Or</i>
	<input type="checkbox"/> I disagree with the City of Mandurah EOI Terms and Conditions
Site	Which Market Site are you expressing an interest in? Site 1: Mewburn Gardens (Sholl St, Mandurah) Site 2: Smart Street Mall Site 3: Mandjar Square Site 4: Mandurah Ocean Marina / Keith Homes Reserve Other: Please enquire with the Place Manager before proceeding
Type of Market	What type of market experience are you wanting to create? E.g. Farmers Market Mandurah/Peel local producers can meet and engage with residents and visitors can experience and learn about Mandurah/Peel produce.

Market Elements	<p>What are the key elements of your market series? E.g. Stallholders, DIY workshops, craft workshops for kids, food trucks, musicians, performance. Some of these elements may qualify for activation support in year 1.</p>
Markets Operating Time	
Market Operator Experience	<p>Please outline your past experience in delivering market type events, managing stall holders and product quality. <i>If you have established policies and procedures, you can mention these in this section.</i></p>
How many stall holders are you intending to have at your Market?	
What type of stall holders?	
Are you using local businesses?	<p>Yes No If yes, how many?</p>
Are you interested in selling food and/or drink?	<p>Yes No If yes, provide the types of food/drinks you wish to have. <i>Please note there may be restrictions to the number of vendors or type of food sold. Any queries please contact the Place Manager.</i></p>
Market Promotion	<p>How will you be marketing and promoting your market to attract attendees to your event? What channels will you be using e.g. Facebook/Instagram. If you have current social media accounts, what current following and engagement are you achieving?</p>

Site Plan	You must submit a site plan with this form. Please ensure the following are indicated on the map with measurement (if applicable).			
	Stage	Food Stalls	General stalls	First Aid Posts
	Emergency Exits	Fenced off area	Lighting	Vehicle access points
	Toilets	Marquees	Parking areas	Sale of consumption of alcohol areas
	Speakers	Rubbish bins	Any other relevant facilities	
Insurance Details	For any insurance policies specified in Section 1 (other than Workers' Compensation insurance), provide the following details:			
	<i>Type of policy:</i>			
	<i>Insurer:</i>			
	<i>Expiry Date:</i>			
<i>Insured Amount:</i>				
Declarations				
Conflict of Interest	Market Operators must give details of any possible Conflict of Interest that exists or may arise in relation to the making and/or acceptance of their proposal. If there is nothing to declare, please insert "None to declare".			
Authorisation and execution by Market Operator	As the authorised officer named below, I certify that: (a) I am authorised to submit the response as the Market Operator's representative. (b) The Market Operator understands and has complied with the Requirements of the Expression of Interest. (c) The Market Operator's response is complete, accurate and not misleading in any way.			
	<i>Name:</i>			
	<i>Position:</i>			
	<i>Signature:</i>			
	<i>Date:</i>			