



Request for Proposal

Green Square Plaza, Community Market

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Key conditions of proposal

Summary

Item	Description
Name of request for proposal	Community market proposal – Green Square Plaza, Green Square
Closing date	Friday 8 December 2023
Closing time	05:00PM
Contact person	All enquiries must be submitted by email to: Jessica Murphy, Outdoor Events, Markets and Busking Coordinator markets@cityofsydney.nsw.gov.au
Lodging a response	Proposals should be submitted by email to the contact person by the closing date and time. Respondents will receive confirmation of submission by the City of Sydney if proposals are received by the closing time and date.
Request for proposal documents	The documents that comprise this request for proposal include: <ul style="list-style-type: none">• Request for proposal
Minimum insurance requirements	<ul style="list-style-type: none">• Public liability insurance (minimum \$10 million)
General conditions of licence agreement	A blank example of a market licence agreement with standard terms and conditions.

Specification

Overview

The City of Sydney invites proposals (RFP) for the carrying out of a community market on the site commonly known as Green Square Plaza.

Part 1.1 Market assessment criteria

The City of Sydney is seeking a diversity of markets, both in size and goods offered, across its local area. Preference will be given to a market operator who can demonstrate innovation and diversity in the type of market proposed. We will look favourably on a market operator who can:

- provide a curated offering with preferably a point of difference to any existing market offering within the City of Sydney local area
- demonstrate a willingness to work with the local community, including businesses and organisations to facilitate workshops and activities which provide ways for the local community to connect
- complement the surrounding area and existing businesses
- demonstrate a clear commitment to zero waste to landfill, aligning with the goals of Sustainable Sydney 2030–2050 Continuing the Vision, including a ban on single use plastic bags, a commitment to use biodegradable containers including, but not limited to beverage, takeaway containers and cutlery within the market
- commit to reducing food waste by using services such as food rescue organisations for unsold food or food waste collection for recycling.

The market operator must also be able to meet the following objectives:

- operate a weekly Saturday morning, fresh produce and growers market
- operate the market as an interesting and vibrant destination
- operate a market that sells quality goods/services representing value for money
- maintain high standards of presentation and customer success
- ensure the market's operation complements and adds value to the existing businesses in the area
- professionally organise and manage the market
- have regular contact with the City of Sydney and submit performance reports as part of the ongoing review of the market
- opportunity to extend the licensed market scope, once a year on the first Saturday of December under a temporary event approval for a novelty Christmas Market starting from 2024

- ensure compliance with all requirements of the market licence as well as other applicable legislative or planning obligations.

Each of the evaluation criteria listed above is considered critical to this request for proposal. The evaluation criteria are not of equal weight and are not listed in order of priority.

Part 1.2 Market licence

The successful operator will be required to enter into a licence agreement with City of Sydney for the approval of market proposal on community land.

The terms of a licence will include a fee to be paid to the City of Sydney calculated under the terms of the markets policy, the market guide and in line with the City of Sydney revenues policy.

Part 1.3 Market licence term

The initial operation and management period would be for a one-year licence term with 2 options for 24 month periods to be exercised at the City of Sydney's sole discretion (a maximum of 5 years total).

Part 1.4 Request for proposal application process

The application process consists of 2 stages.

The first stage is the submission of the required forms as detailed below and the proposal for the market. Submissions must be received before the closing time and date as specified to the markets@cityofsydney.nsw.gov.au email address.

After the closing date shortlisted respondents will be invited to prepare and present their proposal to a City of Sydney assessment panel to review it in further detail.

Respondent presentations should include further proposal details including information about specific logistical considerations such as, but not limited to, safety and security, traffic management and waste management.

Details on issues to consider and include in a market proposal can be found in the guide to setting up a market on council land available on the apply to set up a local market webpage.

1. Initial application

Respondents must complete the necessary forms and details in the request for proposal document. Only respondents who complete parts A, B, C and D in the returnable information section and address the market assessment criteria in part 1.1 in their proposal will be shortlisted.

2. Interview

Shortlisted respondents will be asked to prepare and present their proposal to a City of Sydney assessment panel consisting of 4 staff members.

Respondents will be asked a series of questions about the assessment criteria and the proposed operational management of a market.

Applications and presentations will be scored in line with the assessment criteria, and other applicable considerations deemed reasonable by the City of Sydney.

PART 1.5 Key dates and deliverables

The successful respondent will deliver the market in line with the dates and deliverables listed below.

Item	Deliverable	Date
1	Submission of production and logistics documents	4 weeks from City of Sydney offer
2	Market licence issued	6 weeks from submission of production and logistic documents

Performance review

The City of Sydney will use the following key performance indicators to evaluate performance of the market operator.

The market operator must meet or exceed the performance criteria in the delivery of the services by achieving a rating of 3 or above for each indicator.

Performance will be evaluated regularly and upon completion of the contract. Each assessment will form the basis of the performance review.

General key performance indicator score rating scale:

- 1 unacceptable / deficient
- 2 limited / flawed
- 3 adequate / satisfactory / appropriate
- 4 competent / proficient
- 5 strong / superior / exceeds expectation

Key performance indicator		Rating					Comments
		1	2	3	4	5	
1	Key objectives/deliverables* <ul style="list-style-type: none"> • Timely completion of the services as outlined in the key dates and deliverables 						
2	Quality of work <ul style="list-style-type: none"> • Compliance with the program as outlined in the key dates and deliverables 						
3	Time <ul style="list-style-type: none"> • Comply with the timeline in the key dates and deliverables. • Promptly advise the City of Sydney of any foreseeable time delays. 						
4	Reporting <ul style="list-style-type: none"> • Timely reporting as outlined in the key dates and deliverables 						
5	Communication						

	<ul style="list-style-type: none"> • Timely response to emails and phone calls. • Professional, courtesy and regular communication with the City of Sydney and service providers. • Work collaboratively with stakeholders and other contractors. 						
6	<p>WHS compliance</p> <ul style="list-style-type: none"> • The contractor manages the project effectively and complies with relevant WHS legislation to ensure that the contractor, the City of Sydney, nor their workers or others in the workplace are placed at risk of injury, illness or prosecution. 						
7	<p>Sustainability</p> <ul style="list-style-type: none"> • Commitment to sustainable outcomes and environmental management. 						

* The key objectives/deliverables have been set out in the specification. These are the results that the service provider is expected to meet to fulfil the City of Sydney's key contract requirements.

Standard conditions

1. Request for proposal

This request for proposal consists of the documents identified in the key conditions of proposal.

2. Proposal procedure

2.1 Information and enquiries

Where a respondent has any doubt about the meaning of any aspect of the request for proposal, the respondent may clarify matters with the contact person. All enquiries in relation to any aspect of the request for proposal must be in writing to the contact person.

2.2 Discrepancies, errors and omissions

Respondents must carefully and thoroughly consider and check the request for proposal documentation and must notify the contact person in writing of any errors, ambiguities, discrepancies, inconsistencies or omissions in the request for proposal. The City of Sydney will not be liable for any such error, ambiguity, discrepancy, inconsistency or omission.

2.3 Bidder to rely on own enquiries

In submitting a proposal, respondents will be deemed to have:

- a) Examined information relevant to the risks, contingencies, and other circumstances having an effect on their proposal, obtainable by the making of enquiries.
- b) Satisfied themselves as to the correctness and sufficiency of their proposal and that their proposal covers the cost of complying with the obligations of the proposal documents, the requirements of the relevant authorities and matters necessary for the due and proper performance of the operation of the market as described in the proposal documents.
- c) Examined any reports, public utility service diagrams or other information which, although not part of the proposal documents, are nevertheless available when submitting a proposal.

2.4 Respondents not to solicit City of Sydney personnel

Respondents (or any representative of a respondent) must not at any time before the City of Sydney makes a final decision to accept a proposal, interview or attempt to interview or to discuss, or attempt to discuss with Council members, employees, authorised representatives other than the contact person in accordance with the request for proposal, any matter about the proposal or any other proposal submitted in response to the request for proposal. The City of Sydney reserves the right to reject any proposal submitted by a respondent which contravenes this condition. The City of Sydney reserves the right to pass over a proposal if it has reasonable grounds for considering that a respondent or a respondent's representative has breached this clause either in the current procurement process or in any previous procurement process.

3. Completion of proposal

Unless indicated otherwise in the request for proposal, a respondent must **complete all parts** of the proposal forms.

4. Conforming and alternative proposals

A respondent may also submit an alternative non-conforming proposal. Any alternative non-conforming proposal must satisfy the objectives of the City of Sydney in issuing the request for proposal, the requirements of the specifications and the conditions of the licence agreement.

Failure to comply with any condition of the proposal may render the proposal non-conforming.

5. Lodgement of proposal

Proposals must be submitted by email in line with the key conditions of proposal, by the closing date and time.

If the above conditions are not met, the proposal may not be considered a conforming proposal.

6. Proposal validity period

Any proposal will be an irrevocable offer by the respondent to carry out the operation of the market under the licence agreement subject to the conditions set out in the request for proposal. The offer will remain open for acceptance by the City of Sydney for a period of 60 calendar days from the closing date.

7. City of Sydney rights

Without limiting its rights at law or otherwise, the City of Sydney reserves the right in its absolute discretion at any time to do one or any combination of the following:

- a) evaluate proposals as the City of Sydney seeks appropriate in the context of its requirement for the services
- b) cease to proceed with the process outlined in this request for proposal or any subsequent process
- c) accept all or part of a proposal
- d) reject any proposal
- e) accept a non-conforming proposal
- f) reject the proposal of any respondent who has any unresolved disputes with the City of Sydney.

8. Acceptance of proposal

A proposal will not be deemed to have been accepted unless and until an email of notification is issued by the City of Sydney to the successful respondent.

9. Confidentiality

Information provided in this request for proposal or imparted to any respondent as part of the request for proposal process must only be used for the purpose of preparing and submitting a proposal response. Receipt of this document implies acceptance of this condition.

Information supplied by a respondent will not be treated as commercially sensitive or confidential unless specifically requested by the respondent. Information received by the City of Sydney may be subject to disclosure to the public under the *Government Information (Public Access) Act 2009* and regulations unless it has been provided in confidence, relates to commercially sensitive information or falls within an exemption from disclosure under that legislation.

10. Conflict of interest

In this clause conflict of interest means an actual or potential pecuniary or non-pecuniary conflict of interest. For further explanation of these terms, see the City of Sydney code of conduct.

Respondents must disclose any conflict of interest in undertaking the requirements of the specifications and contract. Where a respondent has a conflict of interest, the respondent must provide the City of Sydney in writing with detailed information about the nature and scope of the conflict of interest and include details of any arrangements proposed to resolve or manage the

conflict of interest should the respondent be awarded the contract. Based on the information provided by the respondent, the City of Sydney will make the final decision about the respondent's conflict of interest. If a conflict of interest is not disclosed by a respondent and the City of Sydney then becomes aware of the conflict, respondents may be excluded from this request for proposal process and/or any future process seeking the provision of goods or services.

Returnable information

Respondents must address the following and submit an offer to operate a market under the licence agreement in line with this request for proposal.

A) Declaration by respondent

I/We have read, understood and fully informed myself/ourselves of the contents, requirements and obligations of the request for proposal, submit this proposal for the performance by myself/ourselves for the operation of a community market at Green Square Plaza, Green Square under a licence agreement with the Council of the City of Sydney.

In submitting this proposal, I/we understand:

- That I/we are required to disclose any conflict of interest in undertaking the requirements of the specifications and contract.
- That where I/we have a conflict of interest, I/we must provide the City of Sydney in writing with detailed information about the nature and scope of the conflict of interest and include details of any arrangements proposed to resolve or manage the conflict of interest should I/we be awarded the agreement.
- That if I/we fail to disclose a conflict of interest and the City of Sydney becomes aware of the conflict, that I/we may be excluded from this process and/or any future process seeking the provision of goods or services.

On behalf of my organisation I/we:

- confirm that City of Sydney expectations of suppliers/service providers as set out in the code of conduct are understood
- provide a commitment that if selected to supply goods and / or services to the City of Sydney, my organisation will:
 - periodically check with reasonable frequency for updates and amendments to the code
 - aspire to meet the City of Sydney's expectations of suppliers as set out in the code, including as updated or amended.

<p>Does the respondent comply with the insurance requirements for this contract? If yes, please include copies of certificates:</p> <ul style="list-style-type: none">• Public liability insurance (minimum \$10 million)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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Acknowledgement of conformity to the request for proposal and terms and conditions of the licence agreement

Does the respondent conform?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If no, please state reason:		

Respondents should note that a non-conforming response may result in the proposal being evaluated as non-compliant or non-conforming.

Legal name/Trading name	
Respondent's ABN	
Address of registered office	
Contact person's name and position	
Phone	
Email	
Signature and date	

B) Fee

The successful respondent of this request for proposal will be responsible for monthly payments in relation to the markets in line with the below fee structure on acceptance of the licence agreement with the City of Sydney:

Site fee	Land use fee	Site maintenance fee
Council land	<p>Commercial market operator: 20% of gross annual revenue*, estimated at the beginning of each year.</p> <p>Not-for-profit market operator: 10% of gross annual revenue</p> <p>*The gross annual revenue is calculated by the approved average stall numbers multiplied by the amount charged by market operator to stallholders.</p>	Site maintenance fee is estimated at the beginning of the year by assessing utility use and maintenance required on a site, as a result of market use. It is charged incrementally to monthly invoices.

The City of Sydney may undertake financial assessments of respondents to determine their financial capacity to undertake the proposal to be under the licence. This may be undertaken by a third party appointed by the City of Sydney.

On request the respondent should provide recent years financial information which may include financial statements (P&L, balance sheets and notes) and management accounts / financial statements.

C) General information

Company experience

Previous experience in the provision of services of a similar nature as required by the specification (**minimum of 2 examples** including references – name and phone number)

Event/project 1	
Event name (if applicable)	
Date of the event or term of contract	
Client	
Client contact name and phone number	
Project value	
Description of services provided (such as number of staff provided and scope of work)	

Event/project 2	
Event name (if applicable)	
Date of the event or term of contract	
Client	
Client contact name and phone number	
Project value	

Event/project 2	
Description of services provided (such as number of staff provided and scope of work)	

*Add additional tables as required.

D) Proposal

Please provide the following information. (Add additional rows as required).

1. Maximum 2 pages outlining the vision for the market and how it will assist the City of Sydney to meet the goals within Sustainable Sydney 2030–2050 Continuing the Vision.

2. Briefly describe what your first day of operation for the Green Square Plaza markets would look like.



