

<b>Expressions of Interest (EOI):</b>	Greyhound Kennel Facility EOI
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<b>Deadline:</b>	5 pm AEST 12 July 2019
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<b>Address for Delivery:</b>	EOIs are to be lodged electronically at: <a href="mailto:eo-kennels@tasracing.com.au">eo-kennels@tasracing.com.au</a>
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## **1 INTRODUCTION AND BACKGROUND**

This Request for Expression of Interest will consider whether an acceptable opportunity exists for Tasracing to purchase an existing kennel facility suitable for the Greyhound Adoption Program (GAP).

### **About the Greyhound Adoption Program**

Tasracing wants to see an industry where every greyhound has every opportunity to enjoy a fulfilling life after racing.

Tasracing's Greyhound Adoption Program has been in operation since late 2009. During this period Tasracing has based the GAP at the personal facilities of its GAP Co-Ordinator. During this period the GAP Co-ordinator has managed the operation on behalf of Tasracing and has allowed the use of their privately run kennels.

The current model of the Tasracing GAP facility does not allow any interested parties to visit and view greyhounds available for adoption. As it is a private residence and facility it does not allow for the use of volunteers and foster families to become involved on site. This restriction places significant pressure on rehoming numbers and severely reduces the ability for members of the public to engage with the program. There is an urgent requirement for the GAP to allow a meet and greet component to the program.

During the 2017/18 period, GAP saw 102 greyhounds rehomed into the Tasmanian community. 85 Greyhounds were rehomed in 2016. This increase of 17 dogs in 2 years has been met with wide ranging commentary with an emphasis being that this increase does not satisfy the requirement. Currently we have 96 dogs adopted in the 2018/2019 year.

The current waiting list on the GAP website has 91 greyhounds either waiting or ready to be rehomed. There are a number of Tasmanian trainers who state they have surplus to this number should the list reduce. The time frame on rehoming greyhounds in Tasmania is far greater than any other state in the country. The reason for such delays and the length of the waiting list has been closely linked to the inability to operate within a suitable facility which allows the public the ability to visit and interact with available greyhounds.

The use of the current GAP Coordinator's property is not well received and regardless of the quality of such a program (which is very well received) the simple lack of external exposure creates many issues. It also holds issues for the participants who may like to visit the facility and view their dog and take friends or family.

## **Part 1 Introduction and Background**

A dedicated facility owned and operated by Tasracing with full public access will facilitate the demonstration to the community that greyhounds are perfectly suited to being pets and are not traumatised, robotic athletes.

Tasracing's goal is to reach a re-homing target of over 150 greyhounds through its GAP facility annually. The need for a dedicated facility has never been greater and has led to this EOI.

**2 EOI CONDITIONS**

**2.1 Definitions**

Below is a summary of some of the important defined terms used in this Request:

<b>Contract</b>	Means a legally binding or valid agreement between Tasracing and the Proponent
<b>EOI Closing Time</b>	Means the time specified at Item 6 of 3.1 by which the Interested Provider’s responses must be received by Tasracing.
<b>EOI Conditions</b>	Means these Conditions of the Request for EOI.
<b>EOI Officer</b>	The Tasracing Officer detailed at Item 4 of 3.1.
<b>EOI process</b>	Means the process commenced by issuing a Request for Interested Provider’s responses and concluding upon either early termination of the process or selection of a Provider.
<b>Request for EOI</b>	Means the opportunity set out in each of the documents identified in the Introduction to this Request for EOI including this Part, the EOI process and any other documents so designated by Tasracing.
<b>Interested Provider</b>	Means a person or entity registered as an Interested Provider in accordance with section 2.3.1, who submits an Interested Provider’s response.
<b>Interested Provider’s Response</b>	Means a document lodged by an Interested Provider in response to this Request for EOI containing a proposal to purchase the premises.
<b>Item</b>	Means an Item of this Request for EOI
<b>Part</b>	Means a Part of this Request for EOI
<b>RTI Act</b>	Means the <i>Right to Information Act 2009</i> .
<b>Selection Criteria and Qualitative Criteria</b>	The criteria used by Tasracing in evaluating an EOI.

**2.2 Request for EOI**

**2.2.1 Request for EOI**

This Request for EOI is not an offer. It is a formal request for Interested Providers to submit an Interested Provider’s response in response to Tasracing’s requirements in Part 3.4. Nothing in this

Request for EOI is to be construed as creating any binding contract for the purchase of the Premises (express or implied) between Tasracing and any Interested Provider.

### **2.2.2 Accuracy of Request for EOI**

Tasracing does not warrant the accuracy of the content of this Request for EOI and will not be liable for any omission from the Request for EOI documents.

### **2.2.3 Additions and amendments**

Tasracing reserves the right to change any information or to issue an addendum or addenda to this Request for EOI.

### **2.2.4 Availability of additional materials**

Additional materials (if any) may be accessed in the manner set out in Part 3.2. Interested Providers should familiarise themselves with the additional materials.

### **2.2.5 Representation**

No representation made by or on behalf of Tasracing in relation to this Request for EOI (or its subject matter) will be binding on Tasracing unless the representation is expressly incorporated into any contract(s) ultimately entered into between Tasracing and an Interested Provider.

### **2.2.6 Licence to use Intellectual Property Rights**

Persons obtaining or receiving this Request for EOI and any other documents issued in relation to this Request for EOI may use the documents only for the purpose of preparing an Interested Provider's response. Such Intellectual Property Rights as may exist in this Request for EOI and any other documents provided to the Interested Providers by or on behalf of Tasracing in connection with the EOI process are owned by (and will remain the property of) Tasracing except to the extent expressly provided otherwise.

## **2.3 Communication**

### **2.3.1 Register of Interested Providers**

Any Interested Provider must register their intention to submit a response by contacting the EOI Officer. By registering as an Interested Provider, further information regarding the EOI process can be provided.

### **2.3.2 Communication protocol**

All communications relating to this Request for EOI and the EOI process must be directed to the EOI Officer.

### **2.3.3 Requests for clarification**

- (a) Any questions or requests for clarification or further information regarding this Request for EOI or the EOI process must be submitted to the Tasracing contact in writing at least 5 working days prior to the EOI closing time.

- (b) Tasracing is not obliged to respond to any question or request for clarification or further information.
- (c) Tasracing may make available to other prospective Interested Providers details of such a request together with any response, in which event those details shall form Part of this Request for EOI.

#### **2.3.4 Unauthorised communication**

- (a) Communications (including promotional or lobbying activities) with staff of Tasracing or consultants assisting Tasracing with the EOI process are not permitted during the EOI process except as provided in clause 2.3.1 above, or otherwise with the prior written consent of the EOI Officer.
- (b) Nothing in this clause 2.3.4 is intended to prevent communications with staff of, or consultants to, Tasracing to the extent that such communications do not relate to this Request for EOI or the EOI process.
- (c) Interested Providers must not engage in any activities or obtain or provide improper assistance that may be perceived as, or that may have the effect of, influencing the outcome of the EOI process in any way. Such activities or assistance may, in the absolute discretion of Tasracing, lead to disqualification of an Interested Provider.

#### **2.3.5 Complaints about this Request for EOI**

An Interested Provider with a complaint about this Request for EOI or the EOI process which has not been resolved in the first instance with the EOI Officer, should discuss their complaint with the Chief Executive Officer of Tasracing.

### **2.4 Submissions of an Interested Provider's response**

#### **2.4.1 Lodgement**

- a) The Interested Provider's response must be lodged electronically via [eoikennels@tasracing.com.au](mailto:eoikennels@tasracing.com.au) by the EOI closing time. The closing time may be extended by Tasracing in its absolute discretion by providing notice to Interested Providers.
- b) All Interested Providers' responses lodged after the EOI closing time will be recorded by Tasracing. The determination of Tasracing as to the actual time that the Interested Provider's response is lodged is final.

#### **2.4.2 Late Interested Provider's response**

If an Interested Provider's response is lodged after the EOI closing time, it will be disqualified from the EOI process and will be ineligible for consideration unless:

- a) the Interested Provider can clearly document to the satisfaction of Tasracing that an event of exceptional circumstances caused the Interested Provider's response to be lodged after the EOI closing time; and
- b) Tasracing is satisfied that accepting a late submission would not compromise the integrity of the EOI process.



Tasracing will inform an Interested Provider whose response was lodged after the EOI closing time as to whether the Interested Provider's response is ineligible for consideration.

#### **2.4.3 Providing an Interested Provider's response**

It is the Interested Provider's responsibility to:

- a) understand the requirements of this Request for EOI, the EOI process and any reference documentation;
- b) ensure that all the information fields in Part 4 are completed and contain the information requested;
- c) ensure that their Interested Provider's response is in the correct format, complies with all requirements of this Request for EOI and is accurate and complete;
- d) make their own enquiries and assess all risks regarding this Request for EOI and the EOI process;
- e) ensure that it did not rely on any express or implied statement, warranty or representation, whether oral, written or otherwise made by or on behalf of Tasracing or its representatives other than any statement, warranty or representation expressly contained in this Request for EOI;
- f) ensure that they comply with all applicable laws in regard to the EOI process;
- g) be responsible for all costs and expenses related to the preparation and lodgement of its Interested Provider's response, any subsequent negotiation, and any future process connected with or relating to the EOI process.

#### **2.4.4 Obligation to notify errors**

- a) If an Interested Provider identifies an error in their Interested Provider's response (excluding clerical errors which would have no bearing on the evaluation), they must promptly notify Tasracing.
- b) Tasracing may permit an Interested Provider to correct an unintentional error in its Interested Provider's response where that error becomes known or apparent after the EOI closing time, but in no event will any correction be permitted if Tasracing reasonably considers that the correction would materially alter the substance of the response.

#### **2.4.5 Use of an Interested Provider's response**

Upon submission, all Interested Provider's responses become the property of Tasracing. The Interested Provider will retain all ownership rights in any Intellectual Property Rights contained in the Interested Provider's response. However, each Interested Provider, by submission of their Interested Provider's response, is deemed to have granted a licence to Tasracing to reproduce the whole, or any portion of their Interested Provider's response for the purposes of enabling Tasracing to evaluate their Interested Provider's response.

#### **2.4.6 Withdrawal of an Interested Provider's response**

An Interested Provider who wishes to withdraw a previously submitted response must immediately notify Tasracing of the fact. Upon receipt of such notification, Tasracing will cease to consider the Interested Provider's response.

#### **2.4.7 Status of Interested Provider's response**

Each Interested Provider's response constitutes a non-binding proposal by the Interested Provider to Tasracing to satisfy the requirements in accordance with Part 3.4 of this Request for EOI.

#### **2.4.8 Disclosure of EOI contents and EOI information**

Interested Provider responses will be treated as confidential by Tasracing. Tasracing will not disclose the information contained in an Interested Provider's response, except:

- a) as required by law (including, for the avoidance of doubt, as required under the *RTI*);
- b) for the purpose of investigations by the Australian Competition and Consumer Commission or other government authorities having relevant jurisdiction;
- c) to external consultants and advisers of Tasracing engaged to assist with the EOI process;
- d) to other government departments in connection with the subject matter of the EOI process; or
- e) general information from Interested Providers required to be disclosed by government policy.

### **2.5 Capacity to comply with the overview of requirements**

Part 3 details Tasracing's requirements for the purchase of Premises the subject of this Request for EOI. The assumption is that each Interested Provider will be capable of meeting the requirements associated with the purchase of the Premises (as outlined in Section 3.4) in full. Where an Interested Provider believes it will not be capable of meeting the requirements in full or will only comply subject to conditions, it should either not apply or clearly set out potential limitations in their Interested Provider's response.

### **2.6 Evaluation**

#### **2.6.1 Evaluation process**

Interested Provider's responses will be evaluated in accordance with the evaluation criteria stipulated in Part 4.2.

An Interested Provider's response will not be deemed to be unsuccessful until such time as the Interested Provider is formally notified of that fact by Tasracing.

Tasracing may in its absolute discretion:

- a) reject any Interested Provider's response that does not include all the information requested;
- b) after concluding a preliminary evaluation, reject any Interested Provider's response that in its opinion is unacceptable;
- c) disregard any content in an Interested Provider's response that is illegible and will be under no obligation whatsoever to seek clarification from the Interested Provider;
- d) disqualify an incomplete Interested Provider's response or evaluate it solely on the information contained within it;
- e) alter the structure and/or the timing of the EOI process;

## **Part 2 EOI Conditions**

- f) vary or extend any time or date specified in this Request for EOI for all Interested Providers; and
- g) arrange for reviews by an Independent probity officer.

### **2.7 Next stage of the EOI process**

#### **2.7.1 Options available to Tasracing**

After evaluating all Interested Provider's responses, Tasracing may without limiting other options available to it, do any of the following:

- i. prepare a short list of Interested Providers and invite further offers from those Interested Providers;
- ii. enter into pre contractual negotiations with one or more Interested Providers;
- iii. decide not to proceed further with the EOI process for the purchase of the Premises; or
- iv. commence a new process for calling for Interested Provider's responses on a similar or different basis to that outlined in the original Request for EOI.

### **2.8 No legally binding contract**

Being short listed does not give rise to a contract (express or implied) between the preferred Interested Provider and Tasracing. No legal relationship will exist between Tasracing and any Interested Provider relating to the sale of the Premises unless and until such time as a binding contract is executed by Tasracing and another party.

### **2.9 Interested Provider warranties**

By submitting an Interested Provider's response, an Interested Provider warrants that:

- a) in lodging its Interested Provider's response it did not rely on any express or implied statement, warranty or representation, whether oral, written, or otherwise made by or on behalf of Tasracing or its representatives other than any statement, warranty or representation expressly contained in the Request for EOI documents;
- b) it has examined this Request for EOI, and any other documents referenced or referred to herein, and any other information made available in writing by Tasracing to Interested Providers for the purposes of submitting an Interested Provider's response;
- c) it has sought and examined all necessary information which is obtainable by making reasonable enquiries relevant to the risks and other circumstances affecting its Interested Provider's response;
- d) it otherwise accepts and will comply with the rules set out in this Request for EOI; and
- e) it will provide additional information in a timely manner as requested by Tasracing to clarify any matters contained in the Interested Provider's response.

### **2.10 Tasracing rights**

Notwithstanding anything else in this Request for EOI, and without limiting its rights at law or otherwise, Tasracing reserves the right, in its absolute discretion at any time, to:

- a) vary or extend any time or date specified in this Request for EOI for all or any Interested Providers; or

## **Part 2 EOI Conditions**

- b) terminate the participation of any Interested Provider or any other person in the EOI process.

### **2.11 Governing Law**

This Request for EOI and EOI process is governed by the laws applying in the State of Tasmania. Each Interested Provider must comply with all relevant laws in preparing and lodging its Interested Provider's response and in taking part in the EOI process.

### 3 REQUEST FOR EOI OVERVIEW AND REQUIREMENTS

#### 3.1 EOI Details

Item No.	Item	Item Details
1.	Organisation	Tasracing
2.	EOI Title	Greyhound Kennel Facility EOI
3.	EOI Officer	Liam Swan M: 0428 657 500 Email: l.swan@tasracing.com.au
4.	Secondary Contact Person	Daron Heald M: 0447 412 292 Email: d.heald@tasracing.com.au
5.	Closing Time	5pm 12 July 2019
6.	Lodgement details	Online via <a href="mailto:eoi-kennels@tasracing.com.au">eoi-kennels@tasracing.com.au</a>
7.	Timeline	Request for EOI Issued – 12 June 2019 End of requests for information – 5 July 2019 Closing time – 12 July 2019 Completion EOI evaluations – 19 July 2019

#### 3.2 Request for EOI Overview

Tasracing is seeking to establish a dedicated kennel facility for the GAP.

#### 3.3 Statement of intended EOI outcome

Tasracing intends upon conclusion of this EOI process to enter into negotiations with one or more respondents for the purchase of a kennel facility.

If the process closes with no suitable properties being submitted, Tasracing will look to either repeat the process, seek to identify possible properties directly or look to build a suitable facility.

#### 3.4 EOI Requirements

The following items highlights Tasracing's requirements for a suitable facility for the current GAP operations and potential future expansion. At a minimum these items should be specifically addressed within your response to part B of the Qualitative Criteria (section 4.2.2):

**Minimum 5 acres preferable 10 acres** – This gives ample space to have kennel facilities, exercise areas, enrichment areas and office, caretaker housing etc.

**Current 100 minimum kennel license** – With a large license already allocated to the property it will make it more likely to be successful than gaining a new license. It is better to have a much larger license than is actually required as we can't predict the future, we can always house less but increasing a license is very difficult.

**Minimum of 35 to 40 greyhound suitable kennels** – This will allow the facility to be operational immediately.

**Area to house small dogs and cats** – GAP will need to own and maintain their own assessment animals which will need suitable housing as well as appropriate areas for greyhound socialising.

**Ability to segregate areas for greyhounds and manage interactions.**

**Ability to create an area to evaluate greyhounds before they enter the program without impact on other dogs.**

**Site must be currently operational with no council orders.**

**Proximity to a major roadway** – The more accessible and easier to find the property for the general public the better.

**Feeding prep room** - A dedicated area to prepare the animals feed.

**Office** - A reception area, office area for the manager and the back office staff.

**Staff room** – An area for the staff to have lunch, toilet breaks etc.

**Well maintained area – gardens etc.** – The property needs to be visually pleasing to the visiting public.

**Building that can be utilized as a Caretaker residence** – There needs to be someone living on site for security, in case of emergency and to cover kennels on days we aren't open.

**Space for car parking** - Space for staff and visitors to safely park.

## 4 ASSESSMENT CRITERIA

### 4.1 EOI Form

<b>EOI Title</b>	Greyhound Kennel Facility EOI
<b>Returnable by</b>	12 July 2019
<b>Addressed To</b>	EOI Administrator
<b>Name of Interested Provider</b>	
<b>Address of Interested Provider</b>	
<b>Contact Person</b>	
<b>Position</b>	
<b>Telephone Number</b>	
<b>Email address</b>	
<b>ABN Number</b>	
<b>Are you registered for GST</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
In signing this form the Interested Provider agrees to the Conditions of EOI, warrants that the information provided in the EOI is accurate and correct, and that the person signing the form is duly authorised to do so.	
<b>Signature</b>	
<b>Position of authorised signatory</b>	
<b>Dated</b>	

## 4.2 Selection Criteria

### 4.2.1 Compliance Criteria

Please select with a “Yes” or “No” whether you have complied with the following compliance criteria.

DESCRIPTION	SELECT	
Interested Providers must address the following information.		
a) Compliance with the Conditions of the EOI as per Part 2 of this Request.	<input type="checkbox"/> YES	<input type="checkbox"/> NO
b) Completion of the Form of EOI, including the signature of the Authorised Signatory.	<input type="checkbox"/> YES	<input type="checkbox"/> NO
c) Assessment		
<i>i. A description of the property offered for sale.</i>	<input type="checkbox"/> YES	<input type="checkbox"/> NO
<i>ii. Copy of the Kennel Licence</i>	<input type="checkbox"/> YES	<input type="checkbox"/> NO
<i>iii. A statement from the Interested Providers which must address if there are any issues known to the Interested Providers which may impact the ongoing operations of the site or any potential expansion plans.</i>	<input type="checkbox"/> YES	<input type="checkbox"/> NO

### 4.2.2 Qualitative Criteria

Interested Providers should provide detailed written responses to items A, B and C. Item D will be assessed internally by Tasracing.

Before responding to the following qualitative criteria, Interested Providers must note the following:

- All information relevant to your answers to each criterion are to be contained within your EOI Response;
- Interested Providers are to assume that the Evaluation Panel has no previous knowledge of you, your organisation, its activities or experience or the property involved;
- Interested Providers are to provide full details for any claims, statements or examples used to address the qualitative criteria; and
- Interested Providers are to address each issue outlined within a qualitative criterion.

<b>A. Price and Settlement</b>	Weighting	Tick if attached
Interested Providers must provide details of the proposed sale price and settlement period.	<b>35%</b>	<input type="checkbox"/>
<i>Assessment will include, but not be limited to:</i>		
<i>i. Comparative price including any necessary additional development required</i>		
<i>ii. Sale price is reflective of land and building value.</i>		
<i>iii. A shorter settlement period is preferred.</i>		



<p><b>B. Property Suitability for Current GAP</b></p> <p>The suitability of the existing licence and facilities for the current use by the GAP.</p>	<p>Weighting <b>35%</b></p>	<p>Tick if attached <input type="checkbox"/></p>
<p><i>Assessment will include, but not be limited to:</i></p> <ul style="list-style-type: none"> <li><i>i. Property size.</i></li> <li><i>ii. Number of existing kennels.</i></li> <li><i>iii. Size of runs.</i></li> <li><i>iv. Number dogs allowed under the existing licence.</i></li> <li><i>v. Facilities for live-in caretaker.</i></li> <li><i>vi. Facilities for public office.</i></li> <li><i>vii. Suitable parking for staff and public.</i></li> <li><i>viii. Suitable viewing facilities.</i></li> <li><i>ix. Suitable area for monitoring and socialisation processes.</i></li> <li><i>x. Quality of existing facilities.</i></li> </ul>		

<p><b>C. Expansion possibilities</b></p> <p>The suitability of the property for expansion if required by the GAP.</p>	<p>Weighting <b>10%</b></p>	<p>Tick if attached <input type="checkbox"/></p>
<p><i>Assessment will include, but not be limited to:</i></p> <ul style="list-style-type: none"> <li><i>i. Potential to increase kennel numbers.</i></li> <li><i>ii. Potential to increase licenced dogs.</i></li> </ul>		

<p><b>D. Operational Impact</b></p> <p>Tasracing will assess the site for operational impacts</p>	<p>Weighting <b>20%</b></p>	<p>Internal Tasracing Assessment</p>
<p><i>Assessment will include, but not be limited to:</i></p> <ul style="list-style-type: none"> <li><i>i. Impact on operational costs.</i></li> <li><i>ii. Any potential staffing issues.</i></li> <li><i>iii. GAP marketability impacts.</i></li> </ul>		