



NORTHERN PRISON
SITING PROJECT

—
**TARGETED
EXPRESSION
OF INTEREST**

PROJECT BACKGROUND

The Government has committed to building a 270 bed prison in the north of Tasmania. The prison will be developed in two stages, with 140 beds in the first stage. A targeted expression of interest (EOI) process will enable the Department of Justice (Department) to thoroughly canvass available sites in northern Tasmania that are suitable for a prison development.

The following section outlines the key dates and submission information requirements for the EOI process.

DATES	DESCRIPTION
20 September 2018	EOI released
October 2018	Briefing sessions (dates/times to be confirmed)
22 November 2018	EOI closed
March 2019	Recommendation of shortlisted sites to Minister

How to submit an EOI:

METHOD	DETAILS
Email	northern.prison@justice.tas.gov.au
In person (Hobart)	Tender Box, Level 14 Trafalgar Building 110 Collins Street, Hobart 7000
In person (Launceston)	Registry Office, Launceston Supreme Court 116 Cameron Street, Launceston 7250
In person (Devonport)	Registry Office, Devonport Magistrates Court 8 Griffith Street, Devonport 7310
In person (Burnie)	Registry Office, Burnie Court Complex 38 Alexander Street, Burnie 7320

The following information must be provided in the EOI Submission:

PLANS AND IMAGES

Proposed Site plan

Plan showing the Proposed Site boundaries and the location of any buildings or structures.

Please attach relevant images/plans/photographs.

Location plan

Aerial plan showing the Proposed Site, major roads, population centres and any other major infrastructure/community services.

Please attach relevant images/plans/photographs.

Photographs

Photographs of the Proposed Site that would assist understanding the Proposed Site, its context and any relevant geographical or topographical features.

Photographs of any buildings or structures on the Proposed Site.

Please attach relevant images/plans/photographs.

INFORMATION

Proposed Site context

A short description of the Proposed Site, where it is located and whether it is part of a larger property or an entire property.

Land owner details

Name

Address

Email address

Telephone number

Address

Street address of Proposed Site

Certificate of Title reference

Property identification number

Municipality

Size

A minimum of 13 hectares is required however the preferred size is 20 hectares or more.

Date of availability

When will the Proposed Site be available for acquisition?

Current use

What is the Proposed Site currently used for?

Existing buildings

Are there building and structures on the Proposed Site?

Neighbouring land uses

What uses surround your Proposed Site?

Proposed Site restrictions

Are there covenants or caveats on the title? Or any other restrictions on development?

INFORMATION CONTINUED

Environmental issues

Does the Proposed Site have contamination issues? If so, provide details.

Current zoning

Current road access

Does the Proposed Site have access to a main road/highway?

Public transport

Is the Proposed Site serviced by public transport?

Current infrastructure services:

Is the Proposed Site connected to the following services? If yes, do you know the capacity if the connection?

Power

Water

Sewage

Communications

Gas

Any other information about the Proposed Site

CONDITIONS OF APPLICATION TO THE TARGETED EXPRESSION OF INTEREST PROCESS

The Government has committed to building a 270 bed prison in the north of Tasmania. The prison will be constructed in two stages, with 140 beds provided in the first stage.

This Targeted Expression of Interest (EOI) Process invites submissions from Proponents who own sites in the north of Tasmania that may be suitable for a prison development.

Proponents should be aware that while the Government will take all reasonable steps to ensure confidentiality is maintained, the Government does have certain obligations to disclose information under the *Right to Information Act 2009* (Tas).

The information in this EOI Invitation has been compiled by the Department of Justice to guide Proponents interested in providing an EOI Submission.

1. NO LEGAL RELATIONSHIP

- 1.1. This EOI Invitation is not a request for tender. It does not constitute an offer or an invitation to make an offer intended to be accepted by the State. It is not to be construed as making any express or implied representation, undertaking or commitment by the State that the State will enter into any form of contractual or legal relationship with any party.
- 1.2. No contractual or other legal obligation shall arise on the part of the State from the lodgement of any EOI Submission or any consideration or review of the EOI Submission. No representation, commitment or undertaking is given that any Proponent will be invited to do or to provide any or all of the things outlined in this EOI Invitation.
- 1.3. This clause applies despite any oral or written advice to a Proponent that their EOI Submission is progressing or has been, or will be, or is intended to be, approved for any legal contract or acquisition negotiations.

2. RESERVATION OF RIGHTS

- 2.1 Notwithstanding any contrary provision of this EOI Invitation, nothing in this EOI Process hinders or prevents the exercise of any power of land acquisition of the State.
- 2.2 Notwithstanding any contrary provision of this EOI Invitation, the State may conduct evaluation of the EOI Submission, and any selection or shortlisting of Proponents in connection with the Project, in a manner the State thinks fit.
- 2.3. Notwithstanding any contrary provision of this EOI Invitation, the lodgement of an EOI Submission does not in any way limit the rights of a Proponent in relation to their land being the Proposed Site and the subject of the EOI Submission, including the right to deal with or otherwise dispose of the Proposed Site.

2.4. The State reserves the right, at its absolute discretion and at any time and without notice to any Proponent, to:

- a) change the structure, procedures and timing of the EOI Process or overall process for the Project
 - b) take into account any information from the State's own and other sources in evaluating an EOI Submission
 - c) request further information from any Proponent in order to clarify any matter relating to the Proponent's EOI Submission
 - d) conduct due diligence investigations as required and in any manner considered appropriate
 - e) draw on outside expertise as required
 - f) terminate further participation in the EOI Process or Project by any Proponent
 - g) allow further Persons to participate in the Project at any time (whether or not they have made an EOI Submission)
 - h) accept part of or the whole of an EOI Submission from the same or from a different Proponent in order to best meet the Project requirements and specifications
 - i) negotiate with any Proponent to vary their EOI Submission at any time
 - j) amend the scope of the EOI Process and the Project
 - k) determine the nature, scope and timing of any further stages in the EOI Process
 - l) take such other action as the State considers at its absolute discretion appropriate in relation to the EOI Process or overall process for the Project
 - m) refuse to consider any EOI Submission, including those:
 - (i) lodged by means other than in accordance with this EOI invitation
 - (ii) not conforming with this EOI Invitation in any respect
 - (iii) lodged by a Proponent who has not complied with this EOI Invitation
- 2.5. All EOI Submissions must be prepared and lodged in accordance with the requirements of this EOI Invitation and any additional terms and conditions that may be included upon written notice to each Proponent to which this EOI Invitation has been issued.
- 2.6. No explanation or amendment to this EOI Invitation will be recognised unless it is in the form of an addendum issued by the State.

- 2.7. Notwithstanding any other requirements of this EOI Invitation, a Proponent must, if requested, submit additional information to allow clarification of its EOI Submission. However, the State is not obliged to require any Proponent to provide any further information or clarification and may not require additional information.
- 2.8. Should a Proponent fail to submit any of the information so required by the date and time stipulated, its EOI Submission may be assessed in the absence of the information or not considered further, at the State's sole and absolute discretion.

3. CONFIDENTIALITY AND PRIVACY

- 3.1. All documents and information provided by a Proponent as part of its EOI Submission is recognised as provided commercial-in-confidence and will, accordingly, be stored securely and held in confidence, except to the extent that disclosure is required for audit or legal purposes, or is required to be released under the *Right to Information Act 2009* (Tas) or the *Personal Information Protection Act 2004* (Tas) or any other legislative requirements or as required, permitted or envisaged by this EOI Invitation.
- 3.2. The Proponent must ensure that all commercial in confidence, confidentiality and privacy issues and responsibilities are properly addressed in an EOI Submission, and that no conflict of interest arises in relation to an EOI Submission or any matter relating to an EOI Submission.
- 3.3. Proponents agree and acknowledge that it is not a breach of confidentiality for an EOI Submission, and any related documentation or information, including any personal information as defined under the *Personal Information Protection Act 2004*, to be disclosed within or between any State agency, authority, body, committee or department of the State, its Ministers, or any of their representative officers, employees, advisers, contractors or agents, the Siting Panel established to assess the EOI Submissions and amongst the government parties relevant to the Project. The Minister reserves the right to publish the names of each Proponent and the location of a Proposed Site put forward in an EOI Submission.
- 3.4. Subject to clause 3.5 of these Conditions, the Proponent must not make any public disclosure or statement in relation to or about its EOI Submission without the prior written approval of the State.
- 3.5. Subject to as otherwise provided in this EOI Invitation, the State and the Proponent must hold the EOI Submission in confidence, so far as the law allows, except if:
- the information is available to the public generally, other than by breach of this obligation
 - a law requires a party to file, record or register something that includes information in the EOI Submission
 - disclosure is necessary or advisable to get a consent, authorisation, approval or licence from a governmental or public body or authority

- it is necessary or advisable to make disclosure to a taxation or fiscal authority
- it is necessary to provide the information in the EOI Submission in answer to a question asked of a Minister in the Parliament, or otherwise to comply with a Minister's obligations to Parliament
- it is disclosed confidentially to a party's professional advisers
- to get professional advice about this EOI Invitation or the EOI Submission
- otherwise to consult such professional advisers
- it is disclosed by the Auditor-General, in the public interest, in a report to the Tasmanian Parliament
- it is reasonably necessary for the enforcement of the criminal law or for the protection of the public revenue
- public disclosure is agreed by the Minister and the Proponent
- it is otherwise required, or authorised, to be disclosed by law.

4. COSTS TO BE BORNE BY PROPONENTS

- 4.1. Proponents are responsible for all their own costs in relation to this EOI Invitation and EOI Submission lodged in response.
- 4.2. The State and the Siting Panel are not responsible for any cost or expense incurred by any Proponent in preparing and lodging an EOI Submission, or for a Proponent carrying out any investigation in relation to a Proposed Site set out in an EOI Submission.
- 4.3. In particular, the Proponent agrees to indemnify the State against, and agrees that the State will not be responsible for or pay or reimburse, any costs, expense or loss which may be incurred by an Proponent:
- in the preparation of its EOI Submission, attending any meetings, providing any further information, or otherwise in connection with its participation in the EOI Process, or Project
 - as a result of any modification or termination of the EOI Process or Project.
- 4.4. By lodging the EOI Submission, a Proponent indemnifies, and agrees to keep indemnified, the State against any claim or demand of any nature whatsoever, or howsoever, arising with respect to any costs incurred by the Proponent in preparing, lodging or expanding upon an EOI Submission.

5. NO WARRANTIES

- 5.1. This EOI invitation and all statements and information made in relation to it reflect the State's current intention only. The Proponent agrees that information and intentions set out in this EOI Invitation may change at any time at the State's sole discretion without notice or reason.

- 5.2. Each Proponent accepts that the risk, responsibility and liability connected with an EOI Submission is solely that of each Proponent.
- 5.3. Each Proponent must obtain, at the Proponent's own cost, their own independent legal, financial, tax and other advice in relation to information in this EOI Invitation or otherwise made available to them during the EOI process.

6. OWNERSHIP OF EOI SUBMISSIONS

- 6.1. Subject to clause 6.3 below, all EOI Submission documents submitted to the State by a Proponent become the property of the State and will not be returned to the Proponent.
- 6.2. By providing an EOI Submission, the Proponent grants the State a non-exclusive, fully paid-up and royalty free, perpetual, assignable licence to copy, reproduce, use, adapt, modify, disclose or do anything else necessary at the State's sole discretion, to all material (including material that contains any intellectual property rights of the Proponent or any other person) contained in an EOI Submission, for the purposes of evaluating and clarifying that EOI Submission and do all things necessary associated with finalisation of commercial arrangements for the Project, and agree the State may provide copies of the documentation (in electronic or hardcopy format) to their agents and the Siting Panel, for the purposes of assessing the EOI Submissions.

7. VARIATIONS TO THIS EOI INVITATION

- 7.1. The State reserves the right, at its absolute discretion and at any time, to cancel, add to or amend the information, terms, procedures and protocols or any aspect of the EOI Process set out in this EOI Invitation without giving reasons.
- 7.2. No Person or consortium will have any claim or be entitled to any compensation, costs or damages against the State, any of its authorities or agencies, or their respective officers, employees, agents or advisers with respect to the exercise, or failure to exercise, any such right, and the Proponent agrees to grant an unlimited indemnity to the State in this regard.
- 7.3. Further, the State reserves the right to alter the EOI Invitation including suspending or terminating the EOI Invitation or adding additional stages.

8. ASSESSMENT PROCESS

- 8.1. EOI Submissions received will be evaluated by a Siting Panel.
- 8.2. EOI Submissions must, at a minimum, include the information required in Application Form.
- 8.3. The Siting Panel will provide a recommendation to the Minister on a shortlist of Proposed Sites to be considered for further investigation and assessment by the State.

9. ACCEPTANCE OF CONDITIONS

- 9.1. By lodging an EOI Submission in accordance with this EOI Invitation, the Proponent acknowledges its agreement to the terms and conditions of this EOI Invitation.

10. DEFINITIONS

- 10.1. Unless the context otherwise provides, the following definitions will apply in this EOI Invitation and to the EOI Process.

Application Form means the application form downloaded as part of the EOI Invitation.

Department means the Department of Justice.

EOI Invitation means these documents, including the Application Form, terms and conditions and any attachments, requesting EOI Submissions.

EOI Process means the Expression of Interest process for the Project set out in this EOI Invitation.

EOI Submission means the Expression of Interest submitted by the Proponent to the State in accordance with this EOI Invitation.

Minister means the Minister for Corrections and includes his or her successor.

Proponent means, a Person who lodges an EOI Submission and in the case of a consortium Proponent, each and every participating member of the consortium Proponent.

Person includes a natural person, a corporation, a partnership, a board, a joint venture, an incorporated association, a government, a local government authority and an agency.

Proposed Site means a proposed site submitted in response to this EOI Invitation.

Project means the *Northern Prison Siting* project.

Siting Panel means the panel established to assess EOI Submissions and make recommendations to the Minister concerning EOI Submissions.

State means the Crown in right of Tasmania.

- 10.2. Unless the context otherwise provides, in the EOI Invitation and the EOI Process:

- a) a reference to a statute, ordinance, code or other legislative instrument includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacement of any of them
- b) the singular includes the plural and conversely
- c) a reference to a gender includes reference to each other gender
- d) a reference to a Person includes the person's executors, administrators, successors and permitted assigns
- e) an agreement, representation or warranty by, or for, two or more Persons binds or is for their benefit, together and separately

- f) a covenant forbidding a Person from doing something, also forbids that Person from authorising or allowing another Person to do it
- g) a reference to anything (including an amount) is a reference to all or any part of it, and a reference to a group of Persons is a reference to any one or more of them
- h) a reference to a clause, paragraph, schedule, annexure or appendix, is a reference to a clause, paragraph, schedule, annexure or appendix in or to it
- i) a reference to “writing” includes a reference to printing, typing, lithography, photography and other methods of representing or reproducing words, figures, diagrams and symbols in a tangible and visible form
- j) a reference to a day is to be interpreted as the period of time starting at midnight and ending twenty-four (24) hours later
- k) a reference to a month or a year means a calendar month or a calendar year respectively
- l) words or phrases derived from a defined word have a corresponding meaning to the defined word
- m) a term of inclusion is not to be interpreted to be a term of limitation
- n) headings are included for convenience only, do not form part of it, and are not to be used in its interpretation.