### Part C: Returnable Schedules

**Old Cheese Factory Café Lease – Expression of Interest**

**Interested Tenant Name:** [Please Complete]

* + - 1. **Note to Interested Tenants**

Completed Returnable Schedules must be lodged in the format provided. Supporting documentation may be submitted, however such documentation must be clearly referenced in the relevant Returnable Schedule.

Returnable Schedules must be submitted in editable PDF or MSWord format.

All files listed below must be submitted, in line with the Conditions of Request for Expressions of Interest, before the Closing Date and Time:

* Returnable Schedules
* Financial Statements
* Certificate of Currency Insurance
* Accompanying attachments, including plans

### Schedule 1: Interested Tenant Declaration Form

Dear Chief Executive Officer,

Having examined the Request for Expressions of Interest document, the Returnable Schedules, the Specification, draft Lease and all other documents relating to this Request for Expressions of Interest, I/we express our interest to Casey City Council to undertake the subject lease in conformity with the attached completed Schedules.

**I/ we expressly acknowledge and agree that:**

* there are no known **conflict of interests** (or any potential for a conflict of interest) or collusive activities concerning this Expression of Interest;
* where relevant, all certification and evidence documentation submitted as part of this Request for Expressions of Interest process is legitimate and current; and
* this is a bona fide Expression of Interest.

I/we understand Casey City Council will not pay any expenses incurred by me/us in connection with the preparation and submission of this Expression of Interest.

I/we understand and acknowledge that Casey City Council reserves the right to assess the merits of each Expression of Interest by taking into account any matter, fact or circumstance which Council may deem appropriate, in its absolute discretion.

I/we authorise Casey City Council to undertake any independent checks which it deems to be necessary to determine my/our financial viability, capability and any licenses, qualifications and certifications required to fulfil the Specification and to otherwise meet my/our obligations under the proposed Lease.

I/we authorise Casey City Council to contact any referees listed in this Expression of Interest.

If appointed as the ‘successful’ Tenant, I/we will execute a Lease with Casey City Council on the terms contained within the draft Lease within fourteen (14) days of the date on which execution copies of the Lease are provided to me/us by Casey City Council.

I/we acknowledge that the following details may be utilised by Casey City Council for the purpose of preparing execution copies of the Lease if I/we are appointed as the ‘successful’ Tenant.

|  |  |
| --- | --- |
| **INTERESTED TENANT DETAILS** |  |
| **Registered Business Name** | [Please complete] |
| **Type of Business** | Sole Trader / Partnership / Company / Trust [Select] |
| **Is the Business an incorporated entity (Mandatory)?** | Yes / No [Select] |
| **Is the Business registered for GST?** | Yes / No [Select] |
| **ACN (Australian Company Number)** | [Please complete] |
| **ABN (Australian Business Number)** | [Please complete] |
| **Website** | [Please complete] |
| **Registered Office/Trading Address** | [Please complete] |
| **Registered Office/Trading Postal Address[[1]](#footnote-2)** | [Please complete] |
| **Interested Tenant’s Authorised Person 1[[2]](#footnote-3)** | Name: [Please complete] |
| Position: [Please complete] |
| Telephone Number: [Please complete] |
| Mobile Number: [Please complete] |
| Email Address: [Please complete] |
| **Interested Tenant’s Authorised Person 2 2** | Name: [Please complete] |
| Position: [Please complete] |
| Telephone Number: [Please complete] |
| Mobile Number: [Please complete] |
| Email Address: [Please complete] |

|  |  |
| --- | --- |
| **EXPERIENCE AND INTERESTS** |  |
| **How many years has the Interested Tenant been in business as a service provider under its present business name and structure?** | [Please complete] |
| **What other types of businesses does the Interested Tenant have a financial interest in?** | [Please complete] |
| **Does the business own a License?** | Yes / No [Select]  License Type: [Please complete]  License Number: [Please complete]  License Expiry: [Please complete] |

|  |  |
| --- | --- |
| **INTERESTED TENANT CONTACT** |  |
| **Interested Tenant Contact Name** | [Please complete] |
| **Phone/Mobile Number** | [Please complete] |
| **Email Address** | [Please complete] |

**SIGNED ON BEHALF OF THE INTERESTED TENANT**

|  |  |
| --- | --- |
| **Signature of Interested Tenant’s Authorised Person 1 (as nominated above)** | [Please complete] |
| **Signature of Interested Tenant’s Authorised Person 2 (as nominated above)** | [Please complete] |

### Schedule 2: Statement of Conformance

The Interested Tenant must list any Departures from the Specification or draft Lease in the relevant table below.

Except to the extent that the Interested Tenant lists one or more Departure in the tables below, the Interested Tenant is deemed to have accepted the form of the Specification and the draft Lease. Departures, qualifications and exclusions must be identified in this Schedule 2 and are not to be included in the Interested Tenant’s covering letter or other sections of the Expression of Interest.

|  |  |
| --- | --- |
| **Clause/page Reference** | **Specification - Departures** |
| [Please complete] | [Please complete] |
|  |  |
|  |  |

|  |  |
| --- | --- |
| **Clause/page Reference** | **Draft Lease - Departures** |
| [Please complete] | [Please complete] |
|  |  |
|  |  |

### Schedule 3: Receipt of Addenda

The Interested Tenant must list below the Addenda received from Council during the Request for Expressions of Interest period. The Interested Tenant acknowledges that its Expression of Interest has been prepared having regard to these Addenda.

|  |  |  |
| --- | --- | --- |
| **Addenda No.** | **Brief Description (e.g. Specification, Page/Clause/Schedule No.)** | **Date Received** |
| [Number] | [Please complete] | [DD/MM/YYYY] |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

### Schedule 4: Financial and Risk Assessment

The Interested Tenant must submit **audited** financial statements incorporating the profit and loss statement and balance sheet of the Interested Tenant for the preceding two (2) financial years. Failure to submit this information with the Expression of Interest may result in the Expression of Interest being excluded from further consideration.

Council reserves the right to undertake an independent check of the financial viability of the Interested Tenant.

**Please provide a summary of annual turnover for the last two financial years:**

|  |  |
| --- | --- |
| **FINANCIAL YEAR 2020/2021** | **For the business entity submitting this Expression of Interest:** |
| **Annual Turnover** | [$0.00] inclusive of GST |
| **Sales Revenue** | [$0.00] inclusive of GST |
| **Operating Profit Before Tax** | [$0.00] inclusive of GST |
| **Net Tangible Worth (Trust Adjusted)** | [$0.00] inclusive of GST |
| **Working Capital (Trust Adjusted)** | [$0.00] inclusive of GST |
| **FINANCIAL YEAR 2019/2020** | **For the business entity submitting this Expression of Interest:** |
| **Annual Turnover** | [$0.00] inclusive of GST |
| **Sales Revenue** | [$0.00] inclusive of GST |
| **Operating Profit Before Tax** | [$0.00] inclusive of GST |
| **Net Tangible Worth (Trust Adjusted)** | [$0.00] inclusive of GST |
| **Working Capital (Trust Adjusted)** | [$0.00] inclusive of GST |

|  |  |
| --- | --- |
| The Interested Tenant must demonstrate their financial capacity to fulfil the Specification over the term of the Lease. If the answer to questions 1 to 10 is “Yes”, or if the answer to questions 11 to 13 is “No”, please provide an explanation. | |
| **For the business entity submitting this Expression of Interest:** | |
| 1. **Are there any significant events, matters or circumstances that have arisen since the end of the last financial year which may significantly affect the Interested Tenant’s operations?** | Yes / No [Select]  If you answered Yes, please provide an explanation: [Please complete] |
| 1. **Are there any industrial relations disputes that the Interested Tenant or its parent or associated entities have experienced during the past 10 years?** | Yes / No [Select]  If you answered Yes, please provide an explanation: [Please complete] |
| 1. **Are there any recent (within the last 12 months) or imminent mergers or acquisitions affecting the Interested Tenant?** | Yes / No [Select]  If you answered Yes, please provide an explanation: [Please complete] |
| 1. **Are there any proceedings, either actual or threatened, against the Interested Tenant, its parent, associated entities or any director of the Interested Tenant, or have there been any within the past five years? If so, what remedial action (if any) has been taken in respect of such proceedings?** | Yes / No [Select]  If you answered Yes, please provide an explanation: [Please complete] |
| 1. **Are there any prosecutions brought against the Interested Tenant under the *Food Act 1984 (Vic)?*** | Yes / No [Select]  If you answered Yes, please provide an explanation: [Please complete] |
| 1. **Are there any bankruptcy actions against a director of the Interested Tenant or have there been any within the past five years?** | Yes / No [Select]  If you answered Yes, please provide an explanation: [Please complete] |
| 1. **Are there any de-registration actions against the Interested Tenant, its parent or associated entities on foot, or have there been any within the past five years?** | Yes / No [Select]  If you answered Yes, please provide an explanation: [Please complete] |
| 1. **Are there any insolvency proceedings, actual or threatened (including voluntary administration, application to wind up, or other like action) against the Interested Tenant, its parent or associated entities on foot, or have there been any within the past five years?** | Yes / No [Select]  If you answered Yes, please provide an explanation: [Please complete] |
| 1. **Is the Interested Tenant, its parent or associated entities currently in default of any agreement, contract, order or award that would or would be likely to adversely affect the financial capacity of the Interested Tenant to fulfil the Specification contemplated by the Request for Expressions of Interest?** | Yes / No [Select]  If you answered Yes, please provide an explanation: [Please complete] |
| 1. **Are there any other factors which could adversely impact on the financial ability of the Interested Tenant to successfully perform the obligations contemplated by the Request for Expressions of Interest?** | Yes / No [Select]  If you answered Yes, please provide an explanation: [Please complete] |
| 1. **Is the Interested Tenant solvent and able to meet its debts as and when they fall due in the normal course of business?** | Yes / No [Select]  If you answered No, please provide an explanation: [Please complete] |
| 1. **Will the Interested Tenant, at the time of Lease execution, be in a position to provide the Security deposit required under the Lease?** | Yes / No [Select]  If you answered No, please provide an explanation: [Please complete] |
| 1. **Will the Interested Tenant be nominating a Parent Guarantor? If yes, provide the details of the organisation.** | Yes / No [Select]  If you answered Yes, please provide details: [Please complete] |
| 1. **Does the Interested Tenant have contingency plans for material shortages? E.g. sought additional supply chain options.** | Yes / No [Select]  If you answered No, please provide an explanation: [Please complete] |
| In addition to the information required above, the Interested Tenant must, upon request, provide to Casey City Council all such information Council reasonably requires to satisfy itself that the Interested Tenant is financially viable and has the financial capability to undertake the Lease and fulfil the Specification. | | |

### Schedule 5: Child Safe Standards

Casey City Council, as a provider of services and facilities to children and young persons, is required to comply with legislation including but not limited to the [*Working with Children Act 2005*](https://www.legislation.vic.gov.au/in-force/acts/working-children-act-2005/063),the [*Working with Children Regulations 2016*](https://content.legislation.vic.gov.au/sites/default/files/66d11cde-b4a7-3085-9df0-b02b9c7bf1d0_16-009sra%20authorised.pdf)and the [Victorian Child Safe Standards](https://ccyp.vic.gov.au/child-safety/being-a-child-safe-organisation#TOC-1). In turn, Casey City Council requires its contractors to also comply with these.

If you are not yet fully compliant with the Child Safe Standards, you must agree to be actively working towards compliance and to report progress towards this to the Casey City Council as requested.

The Council’s [Child Safety Policy](https://www.casey.vic.gov.au/sites/default/files-public/2019-06/Child%20Safety%20Policy%20-%20Council%20Endorsed%20-%20Policy.pdf) requires that all Councillors, employees, contractors, tenants and volunteers commit to an active creation, demonstration and maintenance of a child safe culture.

The premises will involve contact with or in close proximity to children (persons under the age of 18), in the form of:

**Direct Contact:** Contact will occur with children/young person up to the age of 18, (supervised/unsupervised/face to face/verbal/written/viewing) or there will be access to their families’ personal information. If this box is checked, Interested Tenants must complete table below if they are not otherwise exempt from the requirements of the [Child Wellbeing and Safety Act 2005 (Vic)](https://www.legislation.vic.gov.au/in-force/acts/child-wellbeing-and-safety-act-2005/030):

|  |  |
| --- | --- |
| **Do you have a Child Safe Policy or Statement of Commitment to Child Safety? If Yes, please provide.** | Yes / No [Select] |
| **Does your Code of Conduct establish clear expectations for appropriate behaviour with children? If Yes, please provide.** | Yes / No [Select] |
| **What processes do you have in place for screening new staff in complying with Child Safe Standards for all staff? e.g. Police Checks, Working with Children Checks** | [Please complete] |
| **What processes do you have in place to train staff to understand their obligations with the Child Safe Standards?** | [Please complete] |
| **What mechanisms do you have in place for managing concerns or disclosures relating to the safety of children and young people up to the age of 18? e.g. supervision and reporting** | [Please complete] |
| **City of Casey’s** [Child Safety Policy](https://www.casey.vic.gov.au/sites/default/files/2019-06/Child%20Safety%20Policy%20-%20Council%20Endorsed%20-%20Policy.pdf) **has been read and understood.** | Yes / No [Select] |
| **If you are not yet fully compliant with the Child Safe Standards you must agree to be actively work towards compliance and to report progress towards this to the Casey City Council as requested.** | Yes / No [Select] |

### Schedule 6: Insurances and Certifications

A copy of the policy and certificate of currency for each insurance policy required to be effected and maintained under the draft Lease must be attached to the Expression of Interest. The Interested Tenant must provide copies of current insurance certificates, with public and products liability insurance not less than $20 Million.

|  |  |  |
| --- | --- | --- |
| **Type of Insurance** | **Public Liability (Min $20 Million)** | **Products Liability**  **[if not part of Public Liability Policy] (Min $20 Million)** |
| **Amount of Cover** | [$0.00] | [$0.00] |
| **Insurer** | [Please complete] | [Please complete] |
| **Policy Number** | [Please complete] | [Please complete] |
| **Expiry Date** | [DD/MM/YYYY] | [DD/MM/YYYY] |
| **Certificate of Currency Attached** | Yes / No [Select] | Yes / No [Select] |

|  |  |  |
| --- | --- | --- |
| **Type of Insurance** | **Work Cover** | **Professional Indemnity (Min $1 Million)** |
| **Amount of Cover** | [$0.00] | [$0.00] |
| **Insurer** | [Please complete] | [Please complete] |
| **Policy Number** | [Please complete] | [Please complete] |
| **Expiry Date** | [DD/MM/YYYY] | [DD/MM/YYYY] |
| **Certificate of Currency Attached** | Yes / No [Select] | Yes / No [Select |

It is a mandatory condition of participation in this Request for Expressions of Interest process that the Interested Tenant be OH&S certified and hold Environmental Health Registrations and certificates (food handling). Please provide the relevant details below:

|  |  |  |
| --- | --- | --- |
| **Type of Certification** | **OHS Certification** | **Food Handling Certification** |
| **Certifying Body** | [Please complete] | [Please complete] |
| **Certificate Number** | [Please complete] | [Please complete] |
| **Expiry Date** | [DD/MM/YYYY] | [DD/MM/YYYY] |
| **Copy of Certificate Attached** | Yes / No [Select] | Yes / No [Select] |

|  |  |  |
| --- | --- | --- |
| **Type of Registration** | **Environmental Health Registration** | **Food Act Registration** |
| **Issuing Body** | [Please complete] | [Please complete] |
| **Certificate Number** | [Please complete] | [Please complete] |
| **Expiry Date** | [DD/MM/YYYY] | [DD/MM/YYYY] |
| **Copy of Certificate Attached** | Yes / No [Select] | Yes / No [Select] |

|  |  |
| --- | --- |
| Schedule 7: Business and Financial References | |
| Please provide referee information for three (3) business and financial references (excluding Casey City Council staff): | |
|  | **Referee 1** |
| **Relationship with Referee** | [Please complete] |
| **Business Name** | [Please complete] |
| **Contact Person** | [Please complete] |
| **Phone No** | [Please complete] |
| **Email Address** | [Please complete] |

|  |  |
| --- | --- |
|  | **Referee 2** |
| **Relationship with Referee** | [Please complete] |
| **Business Name** | [Please complete] |
| **Contact Person** | [Please complete] |
| **Phone No** | [Please complete] |
| **Email Address** | [Please complete] |

|  |  |
| --- | --- |
|  | **Referee 3** |
| **Relationship with Referee** | [Please complete] |
| **Business Name** | [Please complete] |
| **Contact Person** | [Please complete] |
| **Phone No** | [Please complete] |
| **Email Address** | [Please complete] |

### Schedule 8: Community Benefit Plan

Casey CityCouncil encourages Expressions of Interest which will advance its economic, environmental and social objectives so as to benefit the community both directly and indirectly. If the Interested Tenant answers ‘Yes’ to any question in the tables below, it must provide appropriate evidence supporting its claim(s) (as determined by Council in its discretion), and Council may take into account such information as part of its evaluation of the Expression of Interest.

|  |  |  |
| --- | --- | --- |
| **A: Economic Sustainability** | **Yes** | **No** |
| Does the Interested Tenant have a commitment to support local businesses and economic diversity by generating local economic activity and employment within the municipal district of Casey City Council through procurement service provision or otherwise? |  |  |
| Does the Interested Tenant purchase where possible from local suppliers and small to medium enterprises? |  |  |
| Does the Interested Tenant consider the cost vs life cycle/durability of purchases and to otherwise reduce the life cycle impacts of products by procuring and/or supplying products with reduced operational energy and sustainable end of life options? |  |  |
| **Where a ‘Yes’ response is selected, please provide a short statement and any evidence supporting your claim.** | | |

|  |  |  |
| --- | --- | --- |
| **B: Environmental Sustainability** | **Yes** | **No** |
| Does the Interested Tenant have a commitment to environmental sustainability by:   * making purchases that use materials made of recycled content, are energy efficient and greenhouse friendly; * seeking to reduce greenhouse gas emissions; * seeking to reduce waste to landfill and the increase of the amount of waste recycled; * seeking to reduce water consumption and the improvement of water management; * seeking to improve environmental management in its supply chain; * selecting products/services that have minimal effect on the depletion of natural resources and biodiversity; * seeking to improve adaptability to climate change? |  |  |
| **Where a ‘Yes’ response is selected, please provide a short statement and any evidence supporting your claim.** | | |

|  |  |  |
| --- | --- | --- |
| **C: Social Sustainability** | **Yes** | **No** |
| Does the Interested Tenant have a commitment to social sustainability including by seeking to:   * create new jobs and opportunities for people who may be struggling to find work; * target cohorts that may be experiencing economic exclusion; * reinvigorate depressed or marginalised communities; and * improve equity of access to opportunities? |  |  |
| **Where a ‘Yes’ response is selected, please provide a short statement and any evidence supporting your claim.** | | |

|  |  |  |
| --- | --- | --- |
| **D: Social Enterprise** | **Yes** | **No** |
| Is the Interested Tenant a certified Social Enterprise? |  |  |
| Does the Interested Tenant propose to engage social enterprises in respect of this Request for Expressions of Interest? |  |  |
| Does the Interested Tenant have a commitment to social enterprise? |  |  |
| Does the Interested Tenant have a commitment to removing/reducing barriers to social enterprises? |  |  |
| **Where a ‘Yes’ response is selected, please provide a short statement and any evidence supporting your claim, in particular appropriate certification as a Social Enterprise.** | | |

|  |  |  |
| --- | --- | --- |
| **E. Indigenous Suppliers** | **Yes** | **No** |
| Is the Interested Tenant a certified Indigenous Supplier? |  |  |
| Does the Interested Tenant propose to engage indigenous suppliers in respect of this Project? |  |  |
| Does the Interested Tenant have a commitment to indigenous suppliers? |  |  |
| Does the Interested Tenant have a commitment to removing/reducing barriers to indigenous suppliers? |  |  |
| **Where a ‘Yes’ response is selected, please provide a short statement and any evidence supporting your claim, in particular appropriate certification as an Indigenous Supplier.** | | |

|  |  |  |
| --- | --- | --- |
| **F: Modern Slavery** | **Yes** | **No** |
| Does the Interested Tenant have systems in place to comply with the *Modern Slavery Act 2018* (Cth) and any similar legislation in force from time to time in Victoria (**Modern Slavery Legislation**)? |  |  |
| Does the Interested Tenant have a commitment to removing/reducing the risk of modern slavery practices that may affect their operations or supply chain? |  |  |
| **Where a ‘Yes’ response is selected, please provide a short statement and any evidence supporting your claim.** | | |

### Schedule 9: Expression of Interest Methodology and Plans

|  |
| --- |
| The Interested Tenant must read the Specification in Part A of the Request for Expressions of Interest before completing this section.  The Interested Tenant must provide:   1. A written statement setting out the details of the proposed Café, including the following: 2. Marketing and Business Plan; 3. The proposed operating hours of the café; 4. The number of personnel that the Interested Tenant intends to dedicate to the operation of the Café; 5. The food and beverage offerings proposed, including a sample menu of food, hamper packages, proposed prices of such and any proposed seasonal variations of the menu; 6. The food and beverage service equipment to be provided; 7. Food Safety Plan; and 8. Covid Safe Plan. 9. A written statement detailing how the Interested Tenant will ensure continued availability of sufficient resources throughout the lease term, including the Interested Tenant’s ability to respond to short-term increases in demand at short notice. 10. A written statement addressing how the Interested Tenant will integrate environmentally friendly practices in the café operations. |
| [Please complete]  **OR**  The required statements and plans have been completed in a separate file titled [Insert name of file] and uploaded along with these Returnable Schedules as part of the Expression of Interest. |

### 

### Schedule 10: Relevant Experience

The Interested Tenant must demonstrate relevant experience in operating a café business.

1. **Please provide the trading history of the Interested Tenant:**

|  |
| --- |
| [Please complete] |

1. **Please provide details of the Interested Tenant’s related business and trade experience in a hospitality environment.**

|  |
| --- |
| [Please complete] |

### Schedule 11: Details of Lease Terms

The Interested Tenant must ensure that its Expression of Interest contains sufficient information for Council to determine and assess the commercial terms upon which the Interested Tenant proposes entering into a lease in relation to the Premises.

If the Interested Tenant wishes to propose an alternative proposal for the lease terms and conditions as set out below, the Interested Tenant will need to provide reasons supporting the alternative proposal.

Please complete the details below:

|  |  |  |
| --- | --- | --- |
| **Lease Detail** | **Council Proposal/Comment** | **Interested Tenant Proposal/Comment** |
| 1. **Lease Commencement** | 1 September 2022 |  |
| 1. **Lease Term**   (The Interested Tenant should note that in accordance with the *Crown Land Reserve Act,* the maximum lease term is 21 years) | 5 years plus an option for a further 5 years |  |
| 1. **Rent and rent review** | The Interested Tenant must propose the commencing rental. Annual 3% rental increases will apply with a market rental review to occur at the commencement of the option. | [Please nominate commencing rent] |
| 1. **Security Deposit** | A security deposit is required in the form of a bank guarantee equal to six months’ rent to secure the performance of the Tenant under the lease.  If the Tenant is a company other than a public company, the lease will also include a guarantee and indemnity by each of the Tenant’s directors. |  |

1. Not a PO Box [↑](#footnote-ref-2)
2. The Interested Tenant’s Authorised Person 1 and 2 are the individuals who would be executing the Lease should the Interested Tenant be the ‘successful’ Tenant. [↑](#footnote-ref-3)