

# NAPIER CITY COUNCIL REQUEST FOR PROPOSAL

**Marine Parade Foreshore Reserve**

**Minor Commercial Food and Beverage Business**

**Licence to Occupy**



**NAPIER**  
CITY COUNCIL  
*Te Kaunihera o Ahuriri*

## Proposal Documents

|  |           |
|--|-----------|
| <b>Part 1: Project Overview .....</b>              | <b>3</b>  |
| Background.....                                    | 4         |
| Site Location and Licence to Occupy Details .....  | 5         |
| Information to be Provided .....                   | 7         |
| Criteria for Assessment .....                      | 8         |
| <br>   |           |
| <b>Part 2: Terms of Request for Proposal .....</b> | <b>11</b> |

## PART 1: PROJECT OVERVIEW

The Napier City Council have agreed to grant a Licence to Occupy on Council's Marine Parade Foreshore Reserve (in accordance with Reserves Act 1971) to provide a new site for a 'Pop-Up' Minor Commercial Food and Beverage Business. The licence to occupy area is located at the northern end of the Marine Parade Foreshore Reserve (near the Port entrance) at 58 Marine Parade. The site location is shown below:

Pop-up café - Location Plan



A 'Minor Commercial Food and Beverage Business' is a short, term, small scale operation which is generally a mobile or a temporary structure. The operation would be one that does not involve building substantial structures or facilities on the site or involve modifying the site. The activity should have little impact on the site itself and beyond the site. The provision for a 'pop-up' style food and beverage business in this location is consistent with the City Vision, both with regards to the guiding principles and the waterfront framework.

## BACKGROUND

A Licence to Occupy was granted to a 'Pop Up' style café over the summer of 2016/2017 operating out of a new repurposed shipping container. The licence to occupy was granted for the period 19 November 2016 to 21 May 2017 on a 'trial basis' in order to understand the impacts of the activity in the space over the summer months.

The trial period over the summer of 2016/2017 has shown a willingness by the community to accept the use of this site for a 'pop-up' style food business. The Café added vibrancy to this coastal reserve and provided a safe and relaxing space for families to enjoy Napier's coastal environment in a manner consistent with the City Vision.

On this basis, Council have approved that a food and beverage related (no alcohol) 'pop-up' style business be located in this position of Marine Parade under a 3 year (review after the close of each year) licence to occupy. It is proposed that the 'pop up' building be granted permission to be sited all year round to take advantage of Napier's mild winters, and to avoid the considerable cost of relocating any building in the off-season.

This licence to occupy relates to an area of land to the north of the petanque court, so that the petanque court can continue to be used. This is subject to obtaining approval for a resource consent, building consents and food licences required.

In order to provide an opportunity for everybody who wishes to establish a business in this location to put forward their idea, Council will assess applicants through this Request for Proposal (RFP) process. The RFP committee will undertake an assessment of proposals carried out based on the assessment criteria in section 1.4 of this document.

## SITE LOCATION AND LICENCE TO OCCUPY DETAILS

### Licence Location

The site is located at 58 Marine Parade and is legally described as Section 1-2 Survey Office Plan 10604 (HBW3/194). The site is subject to the Reserves Act 1977 and classified as Local Purpose Recreation Reserve. The 'general area' identified for the licence to occupy comprises around 300m<sup>2</sup> (as shown below in blue) and is located to the north of the existing petanque court. The exact area for the Licence will be further defined with the successful licensee.



### Licence Term

The term of the licence will be three years with a review every year. The licence to occupy will have no right of renewal but a commitment is made by Council that at the end of year 2, Council will make a decision as to whether the current licence holder will get right of renewal or whether Council will seek requests for proposals again at the end of the 3 year term (should the activity still be deemed appropriate).

The Napier City Council are currently in the process of preparing a Reserves Strategy and reviewing the existing Reserve Management Plan (Reserves Act 1977). This process will span the next few years. The management, use and development of each of the Districts reserves will be reviewed and as part of this process the appropriateness of activities (including this activity) will be reviewed and assessed. The appropriateness of this activity in the longer term will be considered as part of the review of the Reserve Management Plan.

### Proposed Payment Method

It is proposed that the collection of rent under the licence to occupy would be consistent with other businesses occupying Marine Parade foreshore sites; 5% of gross takings per week, payable monthly in arrears without further demand by the Council. Ongoing electricity costs will be paid for by the licensee, should the licensee choose to connect.

## Other Approvals and Considerations

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| <p><b>Resource Consent – District Plan</b></p>                           | <p>Food and Beverage businesses in the Marine Parade Recreation Zone are Controlled Activities, therefore requiring resource consent to establish and operate. The successful licensee will therefore be required to obtain resource consent.</p>  |
| <p><b>Building Consent</b></p>   | <p>The Building Act contains requirements for new buildings and structures. The successful licence will need to obtain the relevant Building Consents.</p>   |
| <p><b>Trading in Public Places Bylaw</b></p>                             | <p>The site falls outside of the prohibited CBD area for trading in public places. The successful licensee will be required to obtain a trading licence from Council’s Environmental Health Officers. A copy of this Bylaw is attached.</p>  |
| <p><b>Marine Parade Foreshore Reserve Business Concession Policy</b></p> | <p>This Policy sets out the maximum number of and conditions applicable to any food and beverage business established on Marine Parade. The Policy is applicable to the area from the Mardi Gras site to the north, to the Ellison Street carpark to the south. The site that is the subject of this proposal falls outside of this area. Nevertheless, consideration will be given to the criteria in the Concessions Policy as part of applicants in the RFP process. A copy of this Policy is attached.</p>   |
| <p><b>Provision of Infrastructure</b></p>                                | <p>The future proprietor shall cover all costs associated with the provision of infrastructure. Any capital would revert to Council’s ownership upon the expiry of the licence to occupy. No connection to the Council’s wastewater supply is possible therefore any proprietor would need to demonstrate how they will be able to dispose of their greywater without discharging it directly onto the gravels.</p> <p><b>Note:</b> Council Officers have undertaken initial costings for the installation of the infrastructure required. These are set out below:</p> <ul style="list-style-type: none"> <li>· Water supply - \$3,500</li> <li>· Electricity supply - \$2,000</li> <li>· 1x Shade sail (as per those in Marine Parade playground) - \$8,000</li> </ul> <p>This is a guide only and each will need to undertake their own investigations specific to their business case.</p> |

## INFORMATION TO BE PROVIDED

The following information is requested to fully assess the appropriateness of the activity:

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| <p>Proposal Details</p> | <p>Shall include:</p> <ul style="list-style-type: none"> <li>(a) A detailed outline of the proposal including concept, hours of operation, staff numbers.</li> <li>(b) A site plan showing size, extent and location of any proposed buildings and structures and service connections.</li> <li>(c) Details on the type and size of any buildings and structure. Details on the fittings and fixtures proposed as well as an adequate visual representation (elevations or concept diagrams) of the facility (including colour, materials, signage)</li> <li>(d) A description of any potential effects of the proposed activity and any actions which the applicant proposes to take to avoid, remedy or mitigate adverse effects (including traffic, parking and access)</li> <li>(e) Comment on all of the matters identified above under the heading '<i>Other Approvals and Considerations Needed</i>'</li> </ul> |
| <p>Business Model</p>   | <ul style="list-style-type: none"> <li>(a) Details of proposed Business Model including evidence of operator experience, qualifications and character references.</li> <li>(b) The applicant's and/or operators suitability, experience and where applicable proven track record of a good business relationship with the Council (if applicable)</li> <li>(c) The applicants financial management capability, including history of any existing arrangements with the Council</li> <li>(d) Health and Safety Plan and any risk mitigation process and procedures</li> </ul>   |

## CRITERIA FOR ASSESSMENT

The following policy criteria will be used for assessment of tenders:

### Proposal Details

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|--|---|
| <p><b>Fit with location and enhancement of recreation</b></p> <p>Total Weighting 35%</p>                                       | <p><b>(a)</b> The degree in which the activity is consistent and compatible with the public places primary purpose and the values and objectives and policies as outlined in the Reserves Management Plan and the reserve classification. Commercial trading must enable the public to obtain the benefit and enjoyment of public place or be for the convenience of persons using a reserve in accordance with the Reserves Act 1977. <i>Weighting 25%</i></p> <p><b>(b)</b> Public access during the commercial activities operation. <i>Weighting 5%</i></p> <p><b>(c)</b> Fit with a recreation need identified in any local, regional or national plan or strategy <i>Weighting 5%</i></p> |
| <p><b>Impact on the Environment</b></p> <p>Weighting 10%</p>   | <p><b>(a)</b> The impact on the physical, natural and social environment and any steps proposed to mitigate the impacts. <i>Weighting 5%</i></p> <p><b>(b)</b> How the facility will be designed for removal and least possible impact on the Council Reserve. <i>Weighting 5%</i></p>  |
| <p><b>Point of Difference, Public Good and Relevance to Strategic Documents (City Vision and LTP)</b></p> <p>Weighting 30%</p> | <p><b>(a)</b> Compatibility and fit with existing businesses and activities on the site and Marine Parade so as to avoid any duplication of activities and commercial operations. <i>Weighting 15%</i></p> <p><b>(b)</b> The extent to which the activities point of difference contributes the vibrancy and wellbeing of the area. The extent to which the activity is consistent and compatible with the City Visions 'Open for Business Principle' and the LTP Community Outcomes. <i>Weighting 15%</i></p>  |

## Business Model

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| <p><b>Business Capability</b></p> <p>Weighting 20%</p> | <p>The business plan and overall sustainability of the proposal, including:</p> <ul style="list-style-type: none"><li>(a) The applicant's and/or operator's suitability, financial management capability, experience and where applicable proven track record of a good business relationship with the Council (if applicable) or any previous landlords or organisations (references may be useful).<br/>Weighting 5%</li><li>(b) Any relevant qualifications (food handling, health and safety) provided<br/>Weighting 5%</li><li>(c) Health and Safety Plan and any risk mitigation process and procedures identified<br/>Weighting 5%</li><li>(f) Comment on compliance and ability to meet other statutory obligations<br/><i>(Comment on all of the matters identified above under the heading 'Other Approvals and Considerations Needed')</i><br/>Weighting 5%</li></ul> |
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## Request for proposal process and key dates

The RFP Process and key dates are set out below:



## **PART 2: TERMS OF REQUEST FOR PROPOSAL**

The terms of this RFP are set out below.

### **1. Participants to Inform Themselves**

**1.1** Each person who submits, or expresses an interest in submitting a proposal in response to this RFP (Participant) shall be deemed to have inspected the site, examined this RFP and any other information supplied in writing.

### **2. Ambiguities in RFP**

**2.1** Where the RFP issued to Participants is ambiguous or unclear, a Participant may request the issue of an explanatory notice. If an explanatory notice is issued, it shall be sent to all parties who have obtained the RFP and shall, upon issue, become part of the RFP. Requests for information or clarifications that relate solely to that Participant's proposal will be provided to that Participant requesting the information for clarification only.

**2.2** Inquiries during the RFP period can be emailed to:

[mppopup@napier.govt.nz](mailto:mppopup@napier.govt.nz)

**2.3** Proposals may be submitted subject to any reasonable interpretation of any ambiguity or uncertainty in the RFP, which shall be clearly stated in the proposal.

### **3. Submission of Proposals**

**3.1** Proposals must be submitted in the manner and by the closing date and time as detailed in this clause 3.

**3.2** Proposals may be sent by mail or placed in the "TENDERS BOX" addressed to the "Strategic planning Lead", located in:

**3.3** Proposals must be received by NCC, and in the case of Proposals placed in the "TENDERS BOX" before 12:00pm on 6 September 2017. Any proposal placed in the "TENDERS BOX" after the closing time will be treated as a late proposal. NCC reserves the right to return late proposals unopened to the proposer.

Alternatively, proposals can be submitted via email to the following address:

[mppopup@napier.govt.nz](mailto:mppopup@napier.govt.nz)

**3.4** The following terms apply to the submitting of proposals:

- (a) Proposals shall be prepared in the form required by the RFP.
- (b) The proposal shall be signed by, or on behalf of the participant.
- (c) The cost of preparing and submitting a proposal shall be borne by the Participant
- (d) Proposals shall provide contact details, including an email address

**3.5** NCC reserves the right to seek any additional information from any Participant at any stage, to assist the proposal evaluation process.

#### **4. Acceptance of Proposal**

**4.1** The Preferred Participant shall be notified via email by NCC, that they are the Preferred Participant and the negotiation of the Licence to Occupy terms will commence.

**4.2** Participants who have not been successful will be notified via email.

#### **5. Negotiation of the Contract**

**5.1** Following the RFP process NCC may:

(a) Enter into negotiations with a Preferred Participant to establish agreed exclusive licence to occupy terms; or

(b) Conclude this RFP process without negotiating or awarding any contracts.

#### **6. Disclaimer**

**6.1** This RFP is an invitation to treat. This RFP shall not be read as constituting an offer that is capable of acceptance by submitting a proposal in accordance with this RFP.

**6.2** The NCC shall not be liable in any way whatsoever and howsoever caused, including any claim based on contract, tort or equity, to any Participant on the grounds that NCC has failed to consider a proposal or has awarded a contract otherwise than in accordance with this RFP.

#### **7. Reservation of NCC's Rights**

**7.1** NCC reserves the right at its sole discretion to:

- a) waive or change the requirements of this RFP process from time to time without prior (or any) notice being given;
- b) seek clarification or documents in respect of a Participant's Proposal;
- c) immediately disqualify any Participant that does not submit a compliant proposal;
- d) re-invite proposals on the same or any alternative basis;
- e) amend or change the evaluation methodology and/or the weighting and/or any criteria;
- f) to accept none or any of the proposals; or
- g) at any time prior to the execution of the Contract, withdraw the RFP.