LEASES, LICENCES AND PROJECT DEEDS:
COMMUNITY USERS OF SCHOOL FACILITIES SELECTION GUIDE
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Introduction

This Guide has been developed to assist principals with a practical advice on how to lead the tendering process (when required) to select the most appropriate community user/service operator, such as:

- Out of School Hours Care (OSHC) and other children’s services (except parent-run OSHC services)
- commercial ventures, such as, weekend markets and car boot sales
- Councils seeking to upgrade and maintain an oval and use it for sporting groups outside school hours.

Note that the principals are not required to seek tenders from parent or Parent and Citizen operated services including Out of School Hours Care (OSHC) and government operators. In these instances the principals should consult with their local Asset Management Unit (AMU) to establish documentation and processes required.

Note: For all OSHC services:

- Licence fee will be predetermined in accordance with the Attachment B of this Guide and this amount will be clearly stated in the request for tender documents.
- The above condition applies under both situations i.e. when seeking an Expression of Interest (from not for profit operators) or when open tenders are called.
- Any increase in the licence fee above the fee calculated using the standard formula must be approved by the Executive Director, Asset Management Directorate before seeking any tenders.
- Session rates per child will be the only fee related criterion requiring evaluation.
- All interested organisations must hold regulatory approval. Tender must not be let to any organisation that does not have the “Provider Approval” prior to execution of the licence agreement.
- Principals unsure of a tenderers’ regulatory approval status should check with the Early Childhood Education and Care Directorate.

Objective

The main objective of this Guide is to provide schools with a consistent process and necessary resources and tools to ensure probity, integrity and fairness when selecting community users to access school facilities. It also establishes minimum rates and licence fees to apply when assessing revenue from proposals.

It notes specific guidelines to correctly advertise these opportunities to avoid confusion with other tenders in which the Department of Education (Department) is buying products and services. These are noted under Section 3.3.

This Guide should be read in conjunction with the Community Use of School Facilities implementation procedures and associated toolkit and all relevant parties involved in the selection process should be familiar with these guidelines.

Definitions

AMD: Asset Management Directorate, Corporate Office.
AMU: Local Asset Management Unit.
Expressions of Interest: Select tender situation for OSHC’s when seeking tenders from not-for profit operators only.
Principal: the school principal.
RFT - Request for Tender: the formal process used to seek proposal/s from potential applicants to hire/licence school facilities.
Stakeholders: are specific to the school and the proposed community use and may include the principal, the Parent and Citizen Association (P&C), members of the school community, the local council, the Director Public Schools NSW and the Asset Management Unit.
SOR-Statement of Requirements that forms part of the RFT documents that describes the type and scope of the proposed community use which the school wants to have on its site e.g. markets.
Tender: the process used to seek proposals from potential applicants.
Tenderer: any potential applicant which submits or has submitted a proposal in response to the RFT.
TET-Tender Evaluation Team: is the selected group of people who are responsible for assessing all tenders as per the Tender Evaluation Plan.
Guide structure
This Guide follows basic steps as outlined below. The principals must ensure that these key steps have been considered and applied.

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<td>■ Tender evaluation plan</td>
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<td>■ Tender evaluation report</td>
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<td>■ Award and execution of agreement</td>
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<th>Step 4</th>
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<td>■ Debriefing for unsuccessful tenderers</td>
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<tr>
<td>■ Filing and record keeping</td>
<td></td>
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<tr>
<td>■ Complaints handling process</td>
<td></td>
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<tr>
<td>■ Change of circumstance</td>
<td></td>
</tr>
<tr>
<td>■ Expiry of Agreement</td>
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</tr>
</tbody>
</table>

References
This Guide is supported by various reference documents listed below and principals are strongly encouraged to familiarise themselves with these documents.

- Community Use of School Facilities policy
- Community Use of School Facilities implementation procedures
- Fraud and Corruption Risk Guide
- Code of Conduct for Procurement Activities
- Procurement Solutions Directorate website
1. Step 1 thinking about community use at your school

Principals should be familiar with the following key areas prior to receiving and reviewing any proposals for the community use of their school facilities:

- potential uses of their school premises
- potential users that may apply
- surrounding areas/establishments that may provide similar facilities
- the different types of arrangements and agreements
- space requirements
- access and liability issues
- the length of agreement that will be acceptable to the school and potential applicants.

1.1. Types of uses

Potential community uses of school facilities are detailed in the Community Use of School Facilities implementation procedures. Note that these procedures also outline prohibited organisations and prohibited uses.

The demand for various uses may vary greatly between schools and areas. This can be tested through market surveys and consultation with parents, Network of Community Activities (for children services) and other stakeholders. It is important that the principals undertake appropriate consultation with the respective stakeholders.

Principals can also gauge demand for a particular use by looking at how similar facilities in the area are used including other schools, teaching facilities, community, local council and church halls.

The Department recognises three categories of children’s service operators as defined in Attachment B.

1.2. TYPES OF APPLICANTS

Applicants can vary widely, ranging from Not-for-Profit to Commercial users. “Community Use of School Facilities Implementation Procedures,” deals in depth with the types of applicants including:

- electoral authorities
- school-based parent orientated services
- not-for-profit organisations
- commercial organisations
- government
- individuals.

1.3. Types of agreements

In order to facilitate formal agreement with a successful tenderer, one of the agreements outlined in the table below should be used. These agreements are prepared by the Department Legal Services Directorate.

In all cases, principals should consult with their AMU to determine the most appropriate agreement. For more information refer to the Community Use of School Facilities implementation procedures.
## Types of agreements

<table>
<thead>
<tr>
<th>Type of agreement</th>
<th>Appropriate use</th>
<th>Duration of agreement</th>
<th>Refer to Community Use of School Facilities implementation procedures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Licence agreement</td>
<td>For the shared use of school facilities between the school and service provider, other than for children’s services</td>
<td>Over 12 months</td>
<td>Section 5.5</td>
</tr>
<tr>
<td>Lease agreement</td>
<td>For the exclusive use of school facilities</td>
<td>Any</td>
<td>Section 5.5</td>
</tr>
<tr>
<td><strong>Project deed</strong></td>
<td>In addition a separate licence or lease for use of the facility is also prepared.</td>
<td>Any</td>
<td>Section 5.6</td>
</tr>
<tr>
<td>OSHC Licence agreement*</td>
<td>For children’s services</td>
<td>Any</td>
<td>Section 4</td>
</tr>
</tbody>
</table>

* Requires compliance with privacy legislation

### 2.1. Potential space assessment

The principal must identify available accommodation and consult with the AMU to check its suitability for the proposed use. The available floor area can be calculated by utilising the AMS on the web tool (intranet only).

Use of the proposed space must not conflict with any current or future school use and the principal should discuss the proposed space usage with their AMU to ascertain any future planning or upgrade works for the school.

If the space is intended for any children services including OSHC, the space/s must meet the requirements of the National Education and Care National Regulations. The principal should contact the Early Childhood Education and Care Directorate for information and advice.

When identifying potential spaces for use, the principal should also take into consideration the following:

- areas that may be affected by future building works/ major maintenance works during duration of agreement. These should be avoided.
- parking requirements
- delivery requirements
- ability to access the proposed spaces safely out of hours and with minimum impact upon the rest of the school
- access to toilets after hours
- potential traffic issues including drop off / pick up requirements
- nuisance or associated effects of proposed use including noise
- avoiding areas in the school where the proposed use is likely to result in increased maintenance costs/ frequency, theft or damage to equipment
- adequate night/security lighting for the proposed areas accessed.
3. Step 2 identifying needs and demand

This stage requires the completion of all planning and investigation to establish whether there is demand for the identified community use and subsequent agreement with stakeholders to proceed to Step 3. In this stage, the principal may carry out surveys to assess demand, consult with the school community, parents or parent run associations, forecast rental income, identify scope of use and seek agreement on proposed timeframe.

3.1. Consultation, surveys and forecast

Principals are required to lead and carry out appropriate community consultation and surveys for the proposed community use.

- **OSHC**: a template for OSHC start up survey is included.
- **Other uses**: will require relevant surveys, consultation and investigations to be undertaken.

For each use the principal needs to carry out consultation with the respective stakeholders including the AMU. This also includes review and approval by the Asset Management Directorate.

**Principals:**

- Principals are responsible for leading this consultation process.
- Principals are responsible to consult with their local AMU in the development of appropriate consultation process and development of tender documents.

3.2. Revenue forecast

The potential revenue from proposed community activities can be calculated utilising one of the following templates:

- Out of School Hours (OSHC) Rent Forecast
- Weekend Markets Rent Forecast

*Rent for OSHC in which operators provide their own demountable building/s should not be calculated by this formula. Principals are to contact their local AMU to discuss cost for lease of land and utilities cost.

3.3. Statement of requirements

If the consultations and revenue forecasts are positive and an agreement with the community to proceed has been reached, a “Statement of requirements” (SOR) is developed. The “Statement of Requirements” (SOR) document, describes the type and scope of the proposed community use which the school wants to have on its site e.g. weekend markets.

The SOR provides a detailed list of the conditions of use required by the school including any performance expectations. The SOR document must set out all works and requirements agreed by the school and the respective stakeholders.

When developed, the SOR forms part of the tender documents and the final agreement between the school and user. A standard SOR template is available in the Toolkit.

**Principals:**

- Develop the Statement of Requirements incorporating stakeholder feedback.
- Consult with AMU in the development of the Statement of Requirements.

**AMU:**

- Review and endorse the final Statement of Requirements.
### 3.4. Agreement on implementation time-line

Upon completion of the SOR, the principals, in consultation with their local AMU, needs to develop a timeline showing the various milestones for this selection process. A timeline template as outlined below is available in the [intranet](#).

<table>
<thead>
<tr>
<th>No</th>
<th>Activity</th>
<th>Duration</th>
<th>Start date</th>
<th>Completion date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Preparation of Request for Tender Documents (RFT).</td>
<td></td>
<td></td>
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<tr>
<td>2</td>
<td>Prepare “Invitation to submit proposals” advertisement in local press (optional). The advertised title of the tender process is worded as “Opportunity to provide (service)..............at .......School.” See Item 3.3</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>3</td>
<td>Tender period (from E-tender advertisement to closing date to be a minimum three weeks). Use E-tendering</td>
<td></td>
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<tr>
<td>4</td>
<td>Compulsory site visit &amp; inspection by interested Tenderers. This is normally one week from the date of advertisement.</td>
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<tr>
<td>5</td>
<td>Selection of Tender Evaluation Team (TET) prior to Request for Tender closing date.</td>
<td></td>
<td></td>
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<tr>
<td>6</td>
<td>Approval of Tender Evaluation Plan (TEP) prior to Tender opening.</td>
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<tr>
<td>7</td>
<td>Tender Closing Date</td>
<td></td>
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<tr>
<td>8</td>
<td>Tender Assessment Period</td>
<td></td>
<td></td>
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<tr>
<td>9</td>
<td>Tender Evaluation Report</td>
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<tr>
<td>10</td>
<td>Approval of the recommended Tenderer</td>
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<tr>
<td>11</td>
<td>Execution of the appropriate licence or lease agreement</td>
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<tr>
<td>12</td>
<td>Advising the unsuccessful Tenderers with an offer of de-briefing session.</td>
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<td></td>
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</tr>
<tr>
<td>13</td>
<td>Filing and record keeping</td>
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</tr>
</tbody>
</table>
3. **Step 3 selection process**

The selection process extends from preparation of the tender documents to, and including, award and execution of the agreement. The processes and documentation described in Step 3 allow the principal and the Tender Evaluation Team to receive and assess tender submissions.

The Principal and/or Tender Evaluation Team must not invite potential operator/s to conduct presentations before or during the tender stage.

### 3.1 Request for tender documents

The request for tender documents must be comprehensive, consistent and read as a whole. This will allow tenderers to submit comprehensive submissions. As a minimum, the documents outlined in the table below would usually form part of the RFT.

<table>
<thead>
<tr>
<th>Request for Tender document</th>
<th>Description</th>
<th>Attachment of templates (intranet only)</th>
</tr>
</thead>
</table>
| Request for Tender Part A Conditions | Conditions under which the tender is conducted. **Principals:**  
- Insert required information in relevant fields.  
- Ensure evaluation criteria shown are consistent with Part C Tender Response Schedules (if changed from the original template)  
- Consult with the AMU as required.  
- Ensure that any change to the recommended assessment criteria is approved by the AMU’s. | Request for Tender  
Part A  
Conditions |
| Request for Tender Part B Requirements | This section contains the “Statement of Requirements (SOR)” and **Principals:**  
- Develop the Statement of Requirements incorporating the Stakeholders’ requirements.  
- Consult with the AMU in the development of the SOR  
- See SOR in Step 2. | see Step 2  
Item 2.3 |
| Request for Tender Part C Tender Response Schedules | This section contains documents for the Tenderers to complete. Tenderers must write their responses in accordance with these schedules. It is important that the Tenderers provide all information as requested and in the same order for their tender to be assessed. **Principals:**  
- Ensure that for an OSHC, EOI or Tender the fee is already predetermined and stated on the tender form.  
- Ensure that the Tender Response Schedules (if changed from original template) are consistent with Evaluation Criteria in RFT Part A Conditions.  
- Consult with the AMU as required. | Request for Tender  
Part C  
Tender Response Schedules |
<table>
<thead>
<tr>
<th>Request for Tender document</th>
<th>Description</th>
<th>Attachment of templates (intranet only)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed agreement</td>
<td>The proposed agreement is to be included with the RFT documents. Refer to particular agreement.</td>
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</tr>
</tbody>
</table>

**Principals:**
- Consult with their local AMU in the preparation of the RFT documents including the licence, lease or any other agreement.
- Consult with their local AMU in reviewing and approving the RFT documents prior to uploading on e-tendering.
- Manage site visits by the tenderers.
- Keep notes of this site visit include list of attendees.
- Issue clarifications to all questions asked in this meeting in writing to all tenderers.

**AMU:**
- Provides advice on preparation of RFT documents.
- Reviews RFT documents.
- Uploads RFT documents to e-tendering when ready.

### 3.2 Evaluation criteria

All Tenders must be assessed in accordance with the Evaluation Criteria. The evaluation criteria normally contain both Fee and Non Fee Evaluation Criteria (see below). It must be reviewed by the Principal and the appointed Tender Evaluation Team. The latter includes the local AMU to confirm the suitability of the Evaluation Criteria for the proposed tender situation.

Please note that the recommended non-price criteria and weighting for OSHC services as listed in this guide and associated documents must not change without approval from the local AMU Manager.

The RFT documents contain the Evaluation Criteria to ensure the potential Tenderers are fully informed. The evaluation criteria are listed in **RFT Part A Conditions (intranet only)**. This is also reflected in the information requested in the **RFT Part C Tender Response Schedules**.

**Fee Evaluation Criteria**

- Licence fee/lease rent.
  - For OSHC’s this licence fee evaluation criterion does not apply as the licence fee is predetermined utilising formula for both Category B: not for profit operators and Category C: for profit operators.
- Session rates per child (for children services only.)
  - Includes any other additional costs to users/families not included in session rates.
Non- Fee Evaluation Criteria

- Satisfactory Registration Information including organisation structure, principals/directors information, not for profit status and compliance history under relevant Regulations and Acts.
- For Children Services, such as, the OSHC there are additional requirements such as
  - obtaining satisfactory Provider Approval from the Early Childhood Education and Care Directorate (ECECD) and
  - satisfactory compliance history under National Education and Care regulation.
- Financial capacity demonstrated by certification from an accountant. (Further assessment of the short-listed tenderers may be required.)
- WHS and Industrial Relations management performance (includes evidence of satisfactory WHS management and industrial relations history as applicable)
- Previous work experience and references
- Approach to Operation which includes their approach to setting up, operating and complying with agreement
- Staffing, including experience, skills, qualifications. For Children Services (only)
  - proposed range of positions, staff qualification and experience for this site
  - working with children check compliance,
  - staff ratio,
  - staff recruitment method,
  - training offered and
  - professional development
- Community Relations Management performance, which includes past community relations history, managing and building relationships, complaints handling, promoting services and implementing and management of Parent Advisory Committee.

The RFT Part A Conditions can also show the overall percentage weighting applied. For example, the evaluation team may wish to set 30% for fee evaluation criteria: 70% for non-fee evaluation criteria, or 40%: 60% as deemed appropriate.

Note:
1) For OSHC’s the recommended weighting is 30% for fee evaluation criteria and 70% for non-fee evaluation criteria
2) Weighting for each sub-criterion as developed in the Tender Evaluation Plan must not to be disclosed to the tenderers

Principals:
- Review the recommended Evaluation Criteria listed in RFT Part A, Conditions Item 13, including overall weighting of fee: non-fee criteria.
- Consult with the local AMU for any changes.

AMU:
- Provide advice as required

3.3 Tender advertisement process

On completion of the RFT documents, the principal in consultation with the AMU can advertise the RFT. The RFT must be advertised and processed through the E-Tendering Portal. Further information can be found in the eTendering Guidelines.

The local AMU will appoint an accredited officer to comply with Department’s procurement requirements for E-Request for Tendering. This accredited officer is responsible for:

a) uploading the RFT onto the NSW Government Request for Tenders website.
b) establishing an e-Request for Tender box for each Request for Tender.
c) uploading any additional information as required during the Request for Tender period.
d) issuing addenda of any changes/additional requirements if applicable.
e) extending the Request for Tender closing date and time, if required.
f) downloading the documents after receiving the approved Tender Evaluation Plan.
3.4 Managing the tender process

During the tender period the principal may receive enquiries, questions and information requests from the tenderers including opportunity to meet the school community. For probity purposes, responses to all such enquiries that directly relating to the tender/contract or scope of works must be responded to in writing and circulated to all tenderers by issuing an addendum.

An addendum is not to be issued later than 2 days prior to the tender closing date. This must be noted in the RFT.

**Principals:**
- respond to queries during the tender process and issue addendums as required.
- seek assistance from the local AMU as required.

3.5 Tender evaluation team

The Tender Evaluation Team (TET), which is similar to the selection panel in a recruitment environment, is a select group of people who are responsible for assessing all tenders as per the Tender Evaluation Plan. In order to do this the TET must be appointed by the principal (Chair) and must meet prior to the Request for Tender closing date to discuss, develop and finalise the Tender Evaluation Plan as outlined in section 3.6. In these meetings, the Principal should allow enough time to ensure all members of the TET understand the RFT requirements especially the assessment criteria and any sub-criteria for assessment of tenders.

It is recommended that the TET include the following members with full voting rights:

a) Principal or nominee (Chair)

b) Community representative (must be experienced and knowledgeable about proposed services. For Children’s Services the Principal requests a representative from Network of Community Activities.)

c) Senior AMU representative who is experienced in Tender Assessment

d) P & C representative/s (nominated by the peers)

e) School Parent user/s (nominated by peers) for Children’s Services tenders only

The nominated representative with full voting rights can be supported by another representative who can assist in reviewing Request for Tender documents. The person assisting will have no voting rights. This person must maintain full confidentiality of the tender assessment process.

All members of the TET and any other person who is required to be involved in the procurement process are to sign a copy of the Code of Conduct document available at http://www.decprocurementnsw.com.au/.

**Principals or their nominee:**
- Appoint the TET prior to the Tender opening date.
- Act as the Chair of the TET.
- Ensure all TET members and any stakeholders or participants involved in tender process sign Confidentiality Agreement.
- Secure all documents and file originals.
Tender Evaluation Team:
- Prepare the Tender Evaluation Plan (TEP discussed below).
- Ensure that TEP is approved before the tenders are opened.
- Each member is to sign “Confidentiality Agreement and Conflict of Interest Declaration”
- Each member is to sign agreed TEP.

3.6 Tender evaluation plan
The Tender Evaluation Plan (TEP) provides a methodology to assess tenders based upon the Evaluation Criteria. The Tender Evaluation Team is responsible for preparing and signing the TEP.

If required the TEP will create sub-criteria under each of the main criterion in order to assess tenders. The overall weighting ratio i.e. price to non-price, cannot change from the RFT documents.

The weighting developed in the TEP will show the percentage weighting for each criterion within both the price and non-price criteria. A TEP template is available on the intranet at Tender Evaluation Plan.

The details of weighting for each criterion must remain confidential and must not be disclosed to any tenderers or anyone not involved in the tender process. Such disclosure is a serious breach of confidentiality and Code of Conduct.

The TEP is designed to achieve the best outcome within a framework of probity and fair process including compliance with Department’s procurement policies. It should be well documented, in order to support transparency and accountability of the evaluation process. The TEP should be completed and signed by all members of the Tender Evaluation Team and approved by the AMU before the tenders are opened.

Principals:
- Ensure that your local AMU has approved the TEP.
- Ensure that all TET sign the TEP plan prior to the opening of tenders.
- Ensure that the TET follows the TEP.
- Ensure that the overall weighting ratio is consistent with RFT documents.

Tender Evaluation Team:
- Prepare and sign the Tender Evaluation Plan before the opening of tenders.

3.7 Tender evaluation report
The Tender Evaluation Team is required to assess tendered response as provided in the RFT- Part C Response Schedules (intranet only). If there is additional information including covering letters containing conditions and alternative proposals that do not comply with RFT documents, then advice should be sought by the TET from their local AMU to decide if this tender submission can be included for consideration under the tender conditions.

The main objective of the Tender Evaluation Report is to document the selection process. It provides a summary of assessed scores for each tender and recommends the tender that best meets the evaluation criteria while complying with the principles of equity, fairness and probity. A template to write the Tender Evaluation Report is provided in the Toolkit:

a) Accountability and transparency: the use of open, clear and defensible processes.

b) Fairness and Impartiality: providing equal opportunity to all respondents to Request for Tenders without any bias.

c) Objective decision making: minimising subjectivity in decision making.

d) Consistency: that is the evaluation of the same Request for Tender by a different evaluation team will yield the same outcome.

e) Rational and logical decision: the decision is based on a rational and logical approach on the basis of information known to the TET.

During the tender assessment process, members of the TET will assess the tenderer’s information provided in the Tender Response Schedules against the evaluation criteria and weighting developed in the Tender Evaluation Plan.

TET members need to score how well the tender submission has met each of the criterions.
The TET should assess the Request for Tender proposal for the whole of the life i.e. full term of the lease/licence perspective including all benefits received resulting from high or low prices.

The Tender Evaluation Report will detail and contain the results of the tender assessment including individual scoring by each TET members. See intranet Tender Evaluation Report.

As a guide this evaluation process should not take more than two weeks to complete. In this period TET should consider and allow for any time required by the tenderers to present their proposals to the evaluation team as part of the assessment process if the latter is considered necessary.

Principals:
- Act as the Chair of TET.
- Ensure that any submission that does not comply with the request for tender documents is referred to the AMU for consideration prior to excluding it from assessment.
- Ensure that the assessment is carried out in accordance with TEP.
- Collate and file the final Tender Evaluation Report and supporting information for future reference.
- Ensure that formal agreement with the successful tenderer is executed prior to releasing tender outcomes to others.

Tender Evaluation Team:
- Assessing compliant submissions fairly and in accordance with the Tender Evaluation Plan.
- Sign the agreed Tender Evaluation Report.

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3.8 Contract award and execution of agreement

Principals should take reasonable steps to ensure that the person negotiating and signing the agreement on behalf of the applicant has the authority to do so. This will include checking business registration records and/or accreditation papers.

Once an agreement, lease or licence is signed by the successful tenderer and the Department, a copy is to be sent to the successful tenderer with the Department retaining a copy. The school should maintain a file for each agreement, lease or licence.

**Principals should consider the need for an interpreter when negotiating an agreement with a community user whose first language is not English.**

All agreements e.g. licences, leases, project deeds are to be executed by the Executive Director, Asset Management Directorate. Original of all documents that form the executed agreement are to be filed with the Property unit, AMD within two weeks of the execution date.

Principals:
- Ensure that the Tender Evaluation Report includes all relevant documents, such as, the approved Tender Evaluation Plan, summary of assessed scores etc. when this report is submitted to the Executive Director, Asset Management.
- Keep a copy of executed documents for the school file and send originals to Property unit, Asset Management.
- Notify the successful tenderer after the contract is executed by the Department authorised signatory.

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A decision based purely on price may risk poor performance or variations/disputes at a later date which would impact the operation and increase risk of failure and unacceptable outcomes. Note – the intention is to achieve the best outcome overall.
4. Step 4 post tender requirements

4.1 Debriefing for unsuccessful tenderers

The NSW Government Procurement Policy offers debriefings to any Tenderer who has made a submission in a competitive Request for Tendering process. The right to a debriefing must be included in the Request for Tender documents and an offer of a debriefing should be specifically made in the letter to the unsuccessful Tenderers informing them of the Tender result.

Purpose and Scope

A debriefing session is a means to provide feedback to the unsuccessful tenderers based on the tender evaluation processes, and involves outlining in general terms the good and poor points in their tender submission. The intention is to encourage continuous improvement as a learning opportunity. While the debriefing also contributes to the notion of natural justice it does not permit exploration of the merits of the submissions of others. Information concerning other bids must not be disclosed under any circumstances. Debriefings are not to be confused with appeals, negotiations or debates.

A debriefing is simply an opportunity for the tenderers to hear from the Tender Evaluation Team as to what they found good about their submission and what could have been improved.

Format of Approach

The Chair of the Tender Evaluation Team must be supported by at least one other member of the Tender Evaluation Team. When accepting the invitation for a debriefing the Tenderer should nominate its representative(s) and advise the Chair.

The usual format is for the Department representatives to outline in sequence:

a) the evaluation criteria and sub–criteria and the reasoning behind their use on the tender

b) the high level weightings (only) chosen e.g. fee 30%; non-fee 70 % with reasons for nominating such weightings. **TET must not disclose detailed weighting of individual evaluation criteria to the tenderer(s).**

c) assessed score for each criteria and/or sub–criteria and
d) any other feature(s) of the tender submission that led to a favourable and unfavourable assessment.

The unsuccessful tenderers can ask questions of clarification about the TET’s perception of their submission. Questions about the submissions of others or about comparisons made are not allowable and the TET’s representative must decline to answer them. While the selection process is not confidential, the judgements made on any given Request for Tender are confidential.

4.2 Filing and record keeping

The principal is required to establish and document clear lines of communication between the successful tenderer and the school, including emergency contact details and key contacts.

Subject to availability TRIM is to be used for all filing and record keeping. If TRIM is not available in the schools, then, relevant paper based copies to be scanned and sent to AMU for filing and record keeping.

Schools should keep separate files for each agreement, lease and license. Details as to the chain of communication between the school and the successful tenderer, as well as details of the management structure, should be retained for 7 years. Retention period for copies of executed agreements is 12 years.

OSH

Ensure that the successful tenderer gives a copy of its approval number from the Early Childhood Education and Care Directorate. The original certificate of each approval must be displayed by the operator on the premises where children services operate.

4.3 Complaints handling procedure

It is the Government’s objective to ensure that industry is given every opportunity to win Department contracts. Any complaint regarding the process must initially be received by the principal. The principal should attempt to resolve the complaint at their level. If escalation is required the following staged approach is to be followed:
Stage 1 - Escalation to the local AMU:
This complaint should be escalated to:
The Local AMU Manager

Stage 2 – Escalation to AMD Directorate:
This complaint can then be escalated to:
Director Policy & Support Services
Level 4, Asset Management Directorate
Department of Education
35 Bridge Street Sydney NSW 2000

Stage 3 – Escalation to Policy Services Directorate:
Chief Procurement Officer
Level 6, Procurement Services Directorate
Department of Education
35 Bridge Street Sydney NSW 2000

4.4 Change of circumstances
RFT documents require the tenderers to advise the principal immediately i.e. within 24 hours of any change in its circumstances e.g. bankruptcy, liquidation, acquisition or licence and regulatory breaches.

During the term of the agreement the principal must ensure that the selected organisation is reminded that it must immediately notify him/her of any changes in its circumstances. This check is recommended to be a standard agenda item during any meeting with the selected organisation during the agreement term.

Changes in circumstances include:
- any change to organisation’s entity structure, trading name including acquisition by another organisation
- financial, such as, bankruptcy or liquidation
- start of civil or criminal proceedings against the respective organisation
- Workplace Health and Safety incidents or any proceedings against it
- incident/s breach of workplace or industrial law
- breach of the National Law and Regulations enforced by the Department’s Early Childhood Education and Care Directorate (ECECD) for children services.

The principal must contact the local AMU for advice should any changes occur.

4.5 Expiry of agreement
Where an existing lease or licence is due to expire, principals should contact their local AMU at least six months prior to the expiry date of the agreement. The AMU will then discuss options with the principal. Consideration will be given in this context to the outcomes of previous performance reviews and annual meetings.

During this time the principal should make themselves aware of relevant clauses within the specific agreement which may apply upon expiry. Questions on any of these clauses can be addressed to the Legal Services Directorate for clarification.

<table>
<thead>
<tr>
<th>Attachment</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>OSHC Start Up School Survey</td>
</tr>
<tr>
<td>B</td>
<td>OSHC Rent Forecast</td>
</tr>
<tr>
<td>C</td>
<td>Weekend Markets Rent Forecast</td>
</tr>
</tbody>
</table>

List of attachments available on the intranet

<table>
<thead>
<tr>
<th>Attachment</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>RFT Part A</td>
<td>Conditions</td>
</tr>
<tr>
<td>RFT Part B</td>
<td>Statement of Requirements</td>
</tr>
<tr>
<td>RFT Part C</td>
<td>Response Schedules</td>
</tr>
<tr>
<td>Tender Evaluation Plan</td>
<td></td>
</tr>
<tr>
<td>Tender Evaluation Report</td>
<td></td>
</tr>
<tr>
<td>Implementation Timeline for Tendering</td>
<td></td>
</tr>
</tbody>
</table>
# Attachment A

## Out of school hours care start up school survey

To assist the school to plan for a better OSHC, parents are asked to complete survey below. The survey will not be treated as a commitment to attend; rather it will inform us of potential future use.

<table>
<thead>
<tr>
<th>After School Usage</th>
<th>No. of Children</th>
<th>Tick most likely</th>
</tr>
</thead>
<tbody>
<tr>
<td>I will rely on OSHC for after school care 4 days or more per week</td>
<td>☐ ☐</td>
<td>☐ ☐</td>
</tr>
<tr>
<td>I will rely on OSHC for after school care 3 days or fewer per week</td>
<td>☐ ☐</td>
<td>☐ ☐</td>
</tr>
<tr>
<td>I have not previously used the service and now intend to use OSHC for after school care 4 days or more per week</td>
<td>☐ ☐</td>
<td>☐ ☐</td>
</tr>
<tr>
<td>I have not previously used the service and now intend to use OSHC for after school care 3 days or fewer per week</td>
<td>☐ ☐</td>
<td>☐ ☐</td>
</tr>
<tr>
<td>I may use OSHC for after school care occasionally</td>
<td>☐ ☐</td>
<td>☐ ☐</td>
</tr>
<tr>
<td>I have not made any decision</td>
<td>☐ ☐</td>
<td>☐ ☐</td>
</tr>
<tr>
<td>I will not require the service</td>
<td>☐ ☐</td>
<td>☐ ☐</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Before School Usage</th>
<th>No. of Children</th>
<th>Tick most likely</th>
</tr>
</thead>
<tbody>
<tr>
<td>I will rely on OSHC for after school care 4 days or more per week</td>
<td>☐ ☐</td>
<td>☐ ☐</td>
</tr>
<tr>
<td>I will rely on OSHC for after school care 3 days or fewer per week</td>
<td>☐ ☐</td>
<td>☐ ☐</td>
</tr>
<tr>
<td>I have not previously used the service and now intend to use OSHC for after school care 4 days or more per week</td>
<td>☐ ☐</td>
<td>☐ ☐</td>
</tr>
<tr>
<td>I have not previously used the service and now intend to use OSHC for after school care 3 days or fewer per week</td>
<td>☐ ☐</td>
<td>☐ ☐</td>
</tr>
<tr>
<td>I may use OSHC for after school care occasionally</td>
<td>☐ ☐</td>
<td>☐ ☐</td>
</tr>
<tr>
<td>I have not made any decision</td>
<td>☐ ☐</td>
<td>☐ ☐</td>
</tr>
<tr>
<td>I will not require the service</td>
<td>☐ ☐</td>
<td>☐ ☐</td>
</tr>
</tbody>
</table>
### Vacation Care Usage

<table>
<thead>
<tr>
<th>Statement</th>
<th>No. of Children</th>
<th>Tick most likely</th>
</tr>
</thead>
<tbody>
<tr>
<td>I will rely on OSHC for vacation care <strong>4 days or more</strong> per week during school holidays</td>
<td></td>
<td></td>
</tr>
<tr>
<td>I will rely on OSHC vacation care <strong>3 days or fewer</strong> per week during school holidays</td>
<td></td>
<td></td>
</tr>
<tr>
<td>I have <strong>not previously</strong> used the service and now intend to use OSHC for vacation care <strong>4 days or more</strong> per week</td>
<td></td>
<td></td>
</tr>
<tr>
<td>I have <strong>not previously</strong> used the service and now intend to use OSHC for Vacation care <strong>3 days or fewer</strong> per week</td>
<td></td>
<td></td>
</tr>
<tr>
<td>I <strong>may</strong> use OSHC for vacation care occasionally</td>
<td></td>
<td></td>
</tr>
<tr>
<td>I have <strong>not made any decision</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>I will <strong>not require</strong> the service</td>
<td></td>
<td></td>
</tr>
<tr>
<td>I am consider sending my child to another <strong>local</strong> vacation care service at</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Summary of potential future use

In summary, please provide an indication of how many children are likely to use the OSHC in the future.

<table>
<thead>
<tr>
<th>Number of children likely to attend on these days</th>
<th>Monday</th>
<th>Tuesday</th>
<th>Wednesday</th>
<th>Thursday</th>
<th>Friday</th>
</tr>
</thead>
<tbody>
<tr>
<td>Before School</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>After School</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Please return this note to your child’s teacher by **day** **month** **year**

Parent / Carer Name:  
Phone number:         
Childs Name(s):       
Class(s):             

Thank you  Principal   P&C President
## Attachment B
### Out of school hours care (OSHC) rent forecast

The following formula is to be used to determine the rent derived from the use of school facilities by an Out of Hours School Care service. The amount calculated for Category B: not for profit operators and Category C: for profit operators are to be included on the Tender Form.

It should not to be used if the operator provides their own demountable building. Contact the AMU to discuss in that instance.

**OSHC charge** = \(((C \times 3.25 \text{ sqm}) + T \text{ sqm}) \times H \times D \times (R \times S)\)

**Vacation charge** = \(((C \times 3.25 \text{ sqm}) + T \text{ sqm}) \times H \times D \times (R \times S)\)

<table>
<thead>
<tr>
<th>School</th>
<th>Period: From</th>
<th>to</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Service</th>
<th>Average number</th>
<th>Calculation (((C \times 3.25 \text{ sqm}) + T \text{ sqm}) \times H \times D \times (R \times S))</th>
<th>Amount Due</th>
<th>Amount Paid</th>
<th>Net Outstanding</th>
</tr>
</thead>
<tbody>
<tr>
<td>OSHC</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vacation Care</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Utilities Cost O/s</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Cost</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The following legend applies:

- **A** = Actual Space (do not include walkways unless used by operator)
- **G** = Grounds (where fenced off for child care centres)
- **C** = average number of children (based on morning and afternoon attendance average)
- **T** = toilet facilities maximum of 25 sqm (actual to a max 25 sqm)
- **H** = hours of operation/day
- **D** = days of operation/year ((202 for OSHC; 42 Vacation Care, 4 Staff Development Days), Preschool = 202, Child Care =248))
- **R** = cost recovery figure =($0.073)
- **S** = operators category index rate (Category A=0.8; Category B=1.0; Category C= 1.75)
Categories of Children Service Providers

Department recognises the following three categories of children service operators:

- **Category A** - P&C Association run services and other incorporated school-based parent operated services where the service can produce evidence of their status as an incorporated school-based parent organisation. Category A groups are the preferred providers of OSHC services. P&C Association operated services are identified through the Australian Business Number (ABN). It is incumbent on organisations seeking to claim Category A status to produce the necessary documentation to demonstrate such status.

- **Category B** - Not-for-profit operators other than those in Category A.

- **Category C** - For profit operators.

Other incorporated school-based, parent operated services wishing to be considered for placement in Category A need to demonstrate that they are:

- an incorporated entity recognised by the Australian Securities and Investments Commission (ASIC)
- an entity controlled by parents of students enrolled at the particular school
- an entity established and incorporated solely for the purpose of providing children's services at the particular school and not engaged in any other business or activity
- an entity where any surplus funds generated by the operation are reinvested in the service or the particular school community.

\[ U = \text{Utilities Cost where existing agreement requires a contribution} \]
\[ M = \text{No. of Stall holders (Markets)} \]

Note: Regardless of its status as a P&C association or other parent-run entity, all OSHC services must hold regulatory approval as a provider of early childhood education and care.
### Attachment C

**Weekend markets rent forecast**

<table>
<thead>
<tr>
<th>Service</th>
<th>Max. No. of Stalls</th>
<th>Calculation M x $6.60 x S</th>
<th>Amount Due</th>
<th>Amount Paid</th>
<th>Net Outstanding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Markets</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

School

Period: From    to    

---

Note: The table is incomplete and requires specific values to be filled in.