



# Request for Expressions of Interest

## Expression of Interest for Foreshore Mobile Food Trading Locations

Mobile Food Van Site at Point Ormond Car Park  
Point Ormond Road, Elwood VIC 3184

Mobile Food Van Site at Elwood Foreshore Car Park  
Part 9A Ormond Esplanade, Elwood VIC 3184

Mobile Food Van Site at Sandridge Life Saving Club Car Park  
240 The Boulevard, Port Melbourne VIC 3207

REOI Number EOI000029

### Key Information

<b>Subject Licensed Premises</b>	<ol style="list-style-type: none"><li>1. Mobile Food Van Site at Point Ormond Car Park Point Ormond Road, Elwood VIC</li><li>2. Mobile Food Van Site at Elwood Foreshore Car Park Part 9A Ormond Esplanade, Elwood VIC</li><li>3. Mobile Food Van Site at Sandridge Life Saving Club Car Park 240 The Boulevard, Port Melbourne VIC</li></ol>
<b>General Terms &amp; Conditions</b>	<ul style="list-style-type: none"><li>• Prospective Licensee to provide and operate a mobile food van within an allocated car parking bay designated by Council.</li><li>• Permitted Use: Operation of a food van service including preparation, service and sale of food and non-alcoholic refreshments.</li><li>• Licence Term: Up to three (3) years from 1 September 2025</li></ul>
<b>Closing Date and Time</b>	Thursday 5 June 2025 at 3.00 pm
<b>Lodgement</b>	Email: <a href="https://portal.tenderlink.com/portphillip/">https://portal.tenderlink.com/portphillip/</a>
<b>Documents</b>	REOI documents are available from <a href="https://portal.tenderlink.com/portphillip/">https://portal.tenderlink.com/portphillip/</a>
<b>Enquiries</b>	Email Questions through the online forum <a href="https://portal.tenderlink.com/portphillip/">https://portal.tenderlink.com/portphillip/</a>

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## 1. Definitions

In this Request for Expressions of Interest, the following terms have the meanings indicated, unless inconsistent with the context: -

**Council** is Port Phillip City Council.

**Request for Expressions of Interest** or **REOI** is this document, which invites submissions of Registrations for the licence of the specified sites ("Licensed Premises")

**Licensed Premises** means the specified area subject to this REOI and as indicated by the area shown on the attached plan.

**Registration** is an EOI in response to and in accordance with this REOI registering an interest to licence the Licensed Premises.

**Respondent** is a individual, company, business or organisation that submits a Registration of an Expression of Interest.

**Permitted Use:** Operation of a food van service including preparation, service and sale of food and non-alcoholic refreshments.

If there is any inconsistency between any part of this REOI, a descending order of precedence is accorded to:

- the terms of this REOI; and
- the Schedules to this REOI,

so that the provisions of the higher ranked document prevail, to the extent of any inconsistency.

## 2. Purpose

Council is seeking submissions from individuals or companies to licence one or more of the Licensed Premises and operate a business to provide a range of affordable food products and non-alcoholic refreshments in accordance with the terms and conditions of this REOI.

Council's objectives with respect to this EOI are to:

- 1) support activation of the foreshore and enhance the amenity of the area for residents and visitors with a quality assortment of food / refreshment options.
- 2) obtain an operator/s with the experience, capability, commitment and sustainable operating model to run a successful mobile food van operation.
- 3) to obtain the best commercial outcome for each of the Licensed Premises.
- 4) Obtain a conforming offer/s in accordance with the terms and conditions of the proposed licence offered.

## 3. Proposed Licence

The terms and conditions of the proposed licence are attached.

The proposed lease includes the following, (and are subject to approval by the Department of Energy, Environment and Climate Change (DEECA): -

- Those terms and conditions prescribed in the standard licence agreement under Section 17B of *Crown Land (Reserves) Act 1978* (VIC) (Attachment 1), incorporating Special Conditions:

- A requirement for the Licensee is to provide for preparation, service and sale of food and non-alcoholic refreshments at affordable prices;
- Term of three (3) years;
- Annual 3% fixed licence fee increases payable to the Council; and
- Each licence will be subject to Council agreeing to the licence under delegated authority and the approval of the responsible Minister.

The Respondent acknowledges that:

- By submitting an EOI, the Respondent is bound to licence the Licensed Premises under the terms of the Licence should their EOI be successful.

#### 4. Background

Council manages and controls each of the Licensed Premises as custodian on behalf of the community. Council is committed to the responsible management of its assets and resources now and into the future.

Each of the Licensed Premises subject to this EOI is on Crown Land for which Council is the Committee of Management.

All of the Licensed Premises have been operated as mobile food van sites for several years and it is envisaged that they will continue to do so.

#### Property Details:

Item	Details
Site Address	<b>Point Ormond Car Park – Point Ormond Road, Elwood VIC 3184</b>
Land Status	Crown Land; Council is the appointed Committee of Management under the provisions of the <i>Crown Land (Reserves) Act 1978</i>
Availability	A Licence agreement with a successful Respondent could be in place following DEECA approval from 1 September 2025
Land Status	Crown Land. Council is the appointed Committee of Management under the provisions of the <i>Crown Land (Reserves) Act 1978</i> .
Licence Term	Three (3) years
Permitted Use	Operation of a food van service including preparation, service and sale of food and non-alcoholic refreshments
Outgoings	The Licensee will be required to pay metered charges for utilities such as gas, water, electricity etc.
Fixtures and Fittings	Inclusions (i.e. Council owned items which will be available for use at the Licensed Premises): One (1) allocated car parking bay, single phase power supply
Form of Agreement	Standard Licence Agreement under section 17B of the <i>Crown Land (Reserves) Act 1978</i> (VIC) incorporating Special Conditions

Item	Details
Site Address	<b>Elwood Foreshore Car Park – Part 9A Ormond Esplanade, Elwood VIC 3184</b>
Land Status	Crown Land; Council is the appointed Committee of Management under the provisions of the <i>Crown Land (Reserves) Act 1978</i>
Availability	A Licence agreement with a successful Respondent could be in place following DEECA approval from 1 September 2025
Land Status	Crown Land. Council is the appointed Committee of Management under the provisions of the <i>Crown Land (Reserves) Act 1978</i> .
Licence Term	Three (3) years
Permitted Use	Operation of a food van service including preparation, service and sale of food and non-alcoholic refreshments
Outgoings	The Licensee will be required to pay metered charges for utilities such as gas, water, electricity etc.
Fixtures and Fittings	Inclusions (i.e. Council owned items which will be available for use at the Licensed Premises): One (1) allocated car parking bay, single phase power supply
Form of Agreement	Standard Licence Agreement under section 17B of the <i>Crown Land (Reserves) Act 1978</i> (VIC) incorporating Special Conditions

Item	Details
Site Address	<b>Sandridge Life Saving Club Car Park – 240 The Boulevard, Port Melbourne VIC 3207</b>
Land Status	Crown Land; Council is the appointed Committee of Management under the provisions of the <i>Crown Land (Reserves) Act 1978</i>
Availability	A Licence agreement with a successful Respondent could be in place following DEECA approval from 1 September 2025
Land Status	Crown Land. Council is the appointed Committee of Management under the provisions of the <i>Crown Land (Reserves) Act 1978</i> .
Licence Term	Three (3) years
Permitted Use	Operation of a food van service including preparation, service and sale of food and non-alcoholic refreshments
Outgoings	The Licensee will be required to pay metered charges for utilities such as gas, water, electricity etc.
Fixtures and Fittings	Inclusions (i.e. Council owned items which will be available for use at the Licensed Premises): One (1) allocated car parking bay, single phase power supply
Form of Agreement	Standard Licence Agreement under section 17B of the <i>Crown Land (Reserves) Act 1978</i> (VIC) incorporating Special Conditions

## 5. Request for Expressions of Interest

### REOI

This REOI:

- provides an outline of the required services to be provided at the Licenses Premises to enable Respondents to assess the opportunity available.
- describes the conditions of the REOI.
- advises Respondents in advance of the key conditions under which a licence may be granted.
- advises Respondents of the information required for their EOI to be considered; and
- enables an assessment of Registrations.

### Lodgement of Registration

The Registration is to contain the documents, information and details required by this REOI or be sufficient in substance to enable Council (in its sole discretion) to evaluate the Registration in accordance with this REOI. Council may consider a Registration that does not meet these requirements as being non-compliant and reject the Registration.

Expressions of Interest are to be lodged electronically via Tenderlink:

<https://portal.tenderlink.com/portphillip/>.

Registrations shall be titled/marked – “**Expression of Interest for Mobile Food Trading Locations**”.

All Registrations must be lodged by:

**Thursday 5 June 2025 at 3.00 pm (Closing Time)**

Please note Tenderlink will not allow any Registrations after the Closing Time.

Respondents should allow sufficient time for lodgement of their Registration, including time that may be required for any problem analysis and resolution prior to the Closing Time.

The Council requires that all EOIs remain open for acceptance by the Council for a period of at least six 6 weeks from the Closing Time.

### Enquiries

All enquiries in relation to this REOI and Registration should be made to: Tender Management Team, Port Phillip City Council. Questions should be registered via the online forum

<https://portal.tenderlink.com/portphillip/>.

All enquiries are submitted on the basis that the Council may publish it, and the Council's response, on Tenderlink without disclosing the source of the question or concern, confidential information or the substance of the proposed EOI.

## REOI Rules

The REOI is, and shall remain, the property of the Council. It may only be used for the purpose of preparing a Registration.

No representation made by or on behalf of the Council in relation to the REOI shall be binding on Council unless that representation is in writing.

Each Respondent agrees that:

- it will have no claim against the Council or any officer, employee or adviser of the Council or any of them with respect to the exercise of, or failure to exercise, any right under this REOI.
- to the extent permitted by law, the Council has no liability to the Respondent for any compensation on any basis whatsoever in connection with Respondent's participation in this REOI.
- the Council is not responsible for any costs or expenses incurred by any Respondent in preparation or submission of any EOI or taking part in the REOI process.
- all Registrations and any accompanying documents become the property of the Council.
- the Council may use, retain and copy the information contained in the Registrations for the purposes of evaluation of Registrations, short listing of Respondents, the development of any resultant lease, any review and further development of the process, or in any response to a claim raised by a Respondent about or concerning the REOI process.
- all documents provided by the Respondent will be held in confidence so far as the law permits.
- it is solely responsible for examining this REOI and obtaining all further information which is obtainable by making reasonably inquiries relevant to all risks that may influence their EOI.
- it will keep confidential any information received from or about the Council that is classified as "Commercial-in-Confidence" because of or in connection with its response to the REOI.
- it will not make any false or misleading claims or statements in relation to their Registration.
- it will agree to provide at its cost all reasonable assistance to the Council in the conduct of any security, probity and/or financial investigation the Council conducts.
- it will submit the consents required by the Council for the purpose of undertaking security, probity and/or financial investigations; and
- a director or authorised officer will make and include with its Registration a declaration in the form set out in Schedule 1.

Respondents must not, and must ensure that their officers, employees, agents and advisers do not:

- engage in any collusive tendering, anti-competitive conduct or any other similar conduct that contravenes any laws, with any other Respondent or any other person in relation to the preparation or lodgement of their registration.

- communicate with nor solicit information related to this REOI process from employees of Council, ex-employees of Council and/or contractors or ex-contractors of the Council, or with the utilisation of information unlawfully obtained from the Council; and
- breach any applicable laws or the Council policies regarding inducements in connection with the preparation of their Registration.

### **Council Rights**

The Council may:

- reject any Registration or exclude any Respondent from the process at any time, including if the Respondent is insolvent, an EOI is incomplete or clearly non-competitive, or if an EOI contains false or misleading information.
- exclude an EOI from further consideration if it fails to comply with the mandatory criteria.
- amend this REOI by addenda issued on Tenderlink prior to the Closing Time or upon giving Respondents written notice of an amendment after the Closing Time.
- seek amended EOIs if this REOI is amended after the Closing Time.
- vary or extend any time or date in this REOI for all or any Respondent, potential Respondent or other persons, at any time and for such period as Council in its absolute discretion considers appropriate.
- suspend terminate or vary the REOI process or any part of it.
- terminate further participation in the REOI process by any Respondent for any reason, regardless of whether the EOI submitted conforms with the requirements of the REOI.
- call for a new REOI or other process related to the Property.
- add to, alter, delete or exclude any required services to be provided or terms and conditions of the proposed lease of the Property.
- publish the names of Respondent(s) (whether successful or unsuccessful).
- allow or not allow a related body corporate to take over a Registration in substitution for the original Respondent; or
- perform such security, probity and/or financial investigations and procedures as the Council, at its absolute discretion, may determine are necessary in relation to each Respondent, its partners, associates, subcontractors or related entities including consortium members and their officers or employees.

### **Mandatory criteria**

The Council will exclude an EOI from further consideration if the Council considers that the EOI does not comply with the following mandatory criterion: -

- The Respondent is a legal entity with an ABN / ACN.

## **Evaluation Criteria**

Respondents are to provide the information specified in the Schedules. If a Registration does not include all the information required by the REOI as specified, it may be deemed non-compliant with the REOI and may be rejected.

City of Port Phillip seeks Responses conforming with the contractual terms and may reject non-conforming Responses.

EOIs will be assessed in accordance with the following criteria: -

- Financial and other commercial terms. Noting that a licence fee offer consistent with market norms is anticipated.
- The extent to which the Respondent demonstrates their relevant experience and track record including capability and capacity to comply with the Licence and the assessed level of risk associated with non-compliances
- The extent to which the Respondent sets out a compelling vision for use including contribution to public or community use or visitation to the asset and specifically addressing how the use will benefit the location.
- Social responsibility and environmentally sustainable performance obligations.

## 6. Information to be Provided

The information provided by the Respondent in response to these REOI data requests will form the basis of the EOI evaluation. It is the Respondent's responsibility to provide sufficient information in the EOI by the Closing Time to demonstrate to Council that they have the financial, organisational and technical capability, viability and stability to meet the requirements detailed.

Responses are to be provided in the schedules below.

### Schedule 1 – Details of the Respondent

#### 1. Personal details:

Contact name and title	
Trading/Business Name	
If a company, registered office and principal place of business	
ACN/ABN (if applicable)	
Telephone number	
Email Address	
Postal Address	

2. Is the Respondent an individual, partnership, company limited by shares or other form of body corporate?
3. If a partnership, provide name and address of partners.
4. Provide 2 references:

Referee name	Contact details	Context

5. How many years have you been in the industry? Describe other similar enterprises that you have operated.
6. What else should give us confidence about your capability and capacity to operate successfully from the Licensed Premises and meet the obligations under and in accordance with the Licence agreement?
7. Describe how licensing the Licensed Premises will complement your current and future business operations.
8. What food and/or beverages are to be provided? (Generally)

9. How does your proposed concept/offering meet local needs and differentiate from what is already being provided in the local area?

10. Proposed hours of operation:

Monday	
Tuesday	
Wednesday	
Thursday	
Friday	
Saturday	
Sunday	

11. Proposed time frame to commence trading from when licence is executed?

12. What efforts has your enterprise made to be socially responsible? (For instance, minimising the impact on the environment, ensuring staff are treated fairly, ensuring business is conducted ethically, managing impact on the community in which you operate).

13. Provide details of insurance policies.

(A Certificate of Currency will need to be provided for each of these insurances each year of the proposed licence)

	Insurer	Policy Number	Amount	Expiry Date
Public Liability				
Professional Indemnity				
WorkCover				

14. Provide/attach any other information / details (if any) in support of your submission.

## Schedule 2 – Financial Offer

The Respondent offers to licence the following Licensed Premises on the following basis:

Item	Response
Lease term	Three (3) years
Specify Licensed Premises (Location)	

In consideration of the making of the following payments:

Item	Response
Licence Fee, to be paid monthly in advance	Year One - \$..... per annum, plus GST. Year Two - \$..... per annum, plus GST. Year Three - \$..... per annum, plus GST.

Name and address of Respondent:

DATED        /        / 2025

### Authorised Representative:

I, ..... {insert the Respondent's Authorised Representative's name}, the authorised representative of the Respondent, hereby register an **Expression of Interest for "Foreshore Mobile Food Trading Locations"** from the City of Port Phillip (Council) and declare that the information contained herein is true and correct.

I have read, understood and agree to the conditions of registration and the associated material contained in this Request for Expressions of Interest.

I understand that the Request for Expressions of Interest is neither an offer on the part of the Council nor does it create any obligation on the part of the Council to enter a commercial or other relationship with any respondent.

Officers of, and advisers to, the Council are authorised to seek information from any of the institutions or persons deemed necessary to evaluate the Respondent's financial status and satisfy the contractual agreements.

Signed .....Date .....

Witnessed .....Date .....

Name of Witness.....

Address of Witness .....

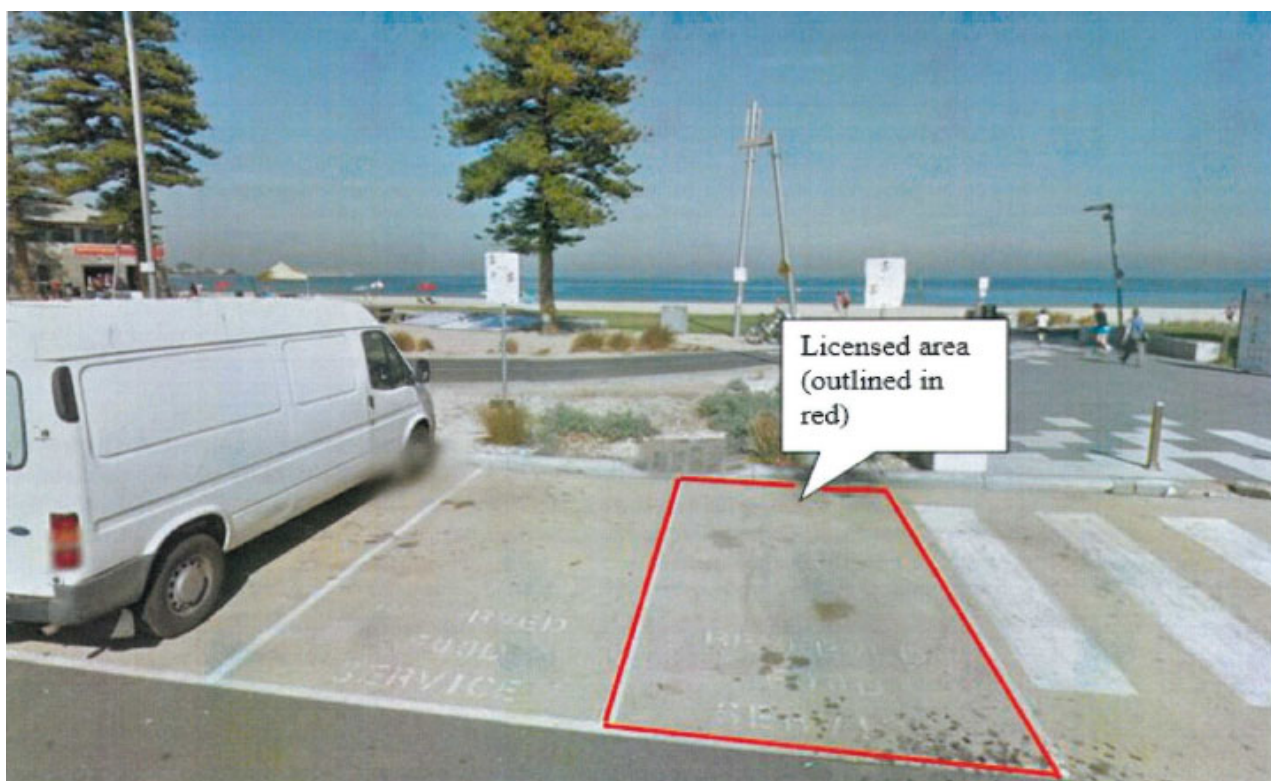
## Attachments

- Draft Licence
- Location Plans

## Attachment 1 –Licence

## Attachment 1 –Location Plans

### Point Ormond Car Park – Point Ormond Road, Elwood VIC 3184



## Attachment 1 –Location Plans

### Elwood Foreshore Car Park – Part 9A Ormond Esplanade, Elwood VIC 3184



## Attachment 1 –Location Plans

### Sandridge Life Saving Club Car Park – 240 The Boulevard, Port Melbourne VIC 3207

