



Dominion Observatory at Kelburn, Wellington



Request for Proposals Opportunity

Process under s17ZG(2)(a) of the Conservation Act 1987 to manage the Dominion Observatory Lease Opportunity within the Kelburn Community Buildings Reserve.

1.0 Introduction

The Dominion Observatory at Kelburn Community Buildings Reserve is situated in Wellington's Botanic Gardens where New Zealand's time was determined using astronomical observations.

The Department of Conservation ("the Department") wants to consider options for a new lease of the building and four associated carparks. To do this, the Department has decided to run a Request for Proposals ("RFP") process which provides a transparent process to determine the most suitable proposal for the opportunity for the Dominion Observatory. This is a process implemented under s17ZG(2)(a) of the Conservation Act 1987. S17ZG(2)(a) has been approved for a period of three months and will expire on 12 June 2020. While this process is in place, we'll not be accepting concession applications.

The RFP Proposals will be assessed on their overall merits, based on the criteria more fully described at paragraph 5.0 of this document.

Following the RFP, one or more Respondent(s) may be invited to apply to the Department.

Proposal Timeframe:

The Department will be accepting Proposals from 9:00am Monday 16 March 2020 to 5:00pm 14 April 2020.

Please review the following documentation and ensure you understand the full process. Contact with the Department if you have any queries about your Proposal or the wider process. Email permissionshamilton@doc.govt.nz or phone 027 536 6915 – Darcy Liddell, Permissions Advisor.

2.0 Context

The Dominion Observatory is a fine example of our historic heritage located in Kelburn Community Buildings Reserve administered by the Department. The observatory was built of Edwardian Baroque architecture in 1907 and housed the Time Service which made astronomical observations to establish the official time for New Zealand. The Time Service also sent a signal each morning to Wellington's telegraph office which relayed the signal to post offices, ports and railway stations around the country. The observatory was built on top of an underground concrete bunker associated with a Garden Battery built as part of New Zealand's Coastal Defence Network. The Dominion Observatory has a Category I classification under the Historic Places Act 1993.

In 1916, the observatory also began to house the government's first Seismological Service. The seismological equipment at this site recorded many earthquakes over the Service's early years, including Murchison (1929) and Napier (1931). There are still measuring instruments near the building. The site continues to be important for seismological measurements in New Zealand. A structural assessment of the building itself was carried out shortly after the 14 November 2016 M7.8 earthquake and it was found that the seismic performance of the building had not been significantly affected and that it could therefore continue to be occupied.

In 2003, after being vacant for almost 10 years, DOC gave the building a \$250,000.00 facelift which included earthquake strengthening, structural repairs and refitting. It is now a unique and interesting home for a number of private businesses with the current lease of the building having expired on 31 January 2020. The lessor has an agreement with DOC to continue on a month by month lease of the building beyond expiry. The building is currently fully utilized by the lessor and sublessees (tenants of the lessor). A new lessee (and any subtenants of the lessee) could potentially be appointed in the second half of 2020.

The Wellington Conservation Management Strategy notes the historic values of the Dominion Observatory regarding its use for seismology. A milestone under the Wellington-Kapiti Place section of the Strategy is that an investigation is carried out by year 7 of the strategy to tell stories of this site. The strategy also lists the Dominion Observatory as holding significance in regard to Government Service, Maritime, Recreation and New Zealand Defence.

The existing concessionaire and future concessionaires must abide by the objectives and policies of the “Dominion Observatory and Gardens Battery Conservation Plan, attached at Appendix 3.

3.0 What Proposals are being sought for:

This RFP is an invitation for suitably qualified persons to submit a Proposal for use of the Dominion Observatory.

3.1. Administration

The Reserve is named Kelburn Community Buildings Reserve administered by the Department as a Local Purpose Reserve for the purpose of providing and retaining areas for such local purpose or purposes as are specified in any classification of the reserve. The specific local purpose is for community buildings.

The Reserve is administered in accordance with the Reserves Act 1977 and applicable planning documents. The most relevant planning document is the Wellington Conservation Management Strategy 2019-2029.

3.2. Location, access, and description of land/facilities

The Dominion Observatory is located roughly half a km to the west of the Wellington Commercial Business District. Please visit our website for further information – <https://www.doc.govt.nz/parks-and-recreation/places-to-go/wellington-kapiti/places/wellington-central-area/dominion-observatory/>.

Description of Land:

The total area of the existing Dominion Observatory Lease site is 138.5 square metres plus four carparks and includes: the Dominion Observatory and 1 metre curtilage but excludes the underground tunnels and storage areas under the building and associated with the gun battery. The legal description is Sec 1223 Town of Wellington. Please refer to the maps below.

Leasable land:

Kelburn Community Buildings Reserve – Defined on the maps on the next two pages.

Assets on the land:

Dominion Observatory Building
Four carparks

Note: All assets are owned by the Department. The Concessionaire shall be responsible for their maintenance during the term of the concession.



4.0 RFP process

4.1. Concession management

The Minister has implemented an RFP process for a lease opportunity at the Dominion Observatory located on the Kelburn Community Buildings Reserve under s17ZG(2)(a) of the Conservation Act 1987.

4.2. Stages of process

4.3. Step One:

The RFP process will be open 9:00am Monday 16 March 2020 to 5:00pm 14 April 2020 (a 4-week window). Please ensure your proposal is provided to permissionshamilton@doc.govt.nz by this closing date.

Ensure you have read all RFP Documents and understand what is required. Please get in contact with the Department if you have any queries about this process.

Note: The Department may answer questions of clarification about the context and about the RFP process, but cannot help to write, review or complete your proposal for the purposes of impartiality.

4.4. Step Two:

The Department will follow the process for consideration of Proposals set out in section 8.0 below.

4.5. Step Three:

The Minister will determine the most appropriate course of action in light of having evaluated the Proposals. A possible outcome includes (without limitation):

1. One or more Respondents may be invited to apply for a lease concession under part IIIB of the Conservation Act 1987.

What is required from you?

Please submit the following:

1. Fill out and submit the application form attached below in Appendix Two; and
2. Provide a complete Proposal by including all information required under section 5.0 - Proposal criteria.

There is no proposal template. Please provide all relevant information in a clear and logical format.

5.0 Proposal Criteria

The Proposal criteria is divided into two sections, each with various components. Respondents must provide all of the information requested in sections 5.1-5.2 and may provide the additional information requested in section 5.3.

A failure to provide the requested information may result in a Proposal being removed from consideration.

Activity Details

- Paragraph 5.1 of this document refers to details of the proposal and whether it is suited to the status and significance of the land.

Respondent capacity

- Paragraph 5.2 of this document refers to the ability of the Respondent to carry out the Proposal based on experience.

There are two additional sections on aspirations and other supporting information on which Respondents may wish to include information. Providing this information is not compulsory, but the Minister may consider this as part of the wider context to the extent it relates to the nature and status of the land (such as whether the proposal links with the historical significance of the site).

You should refer in your responses to applicable legislation and the planning documents.

5.1. Activity details

There is one decision to be made in respect of these criteria:

1. How suited is the Proposal to the status and significance of the land?

5.1.1. Proposal details

5.1.1.1 Explain the proposed use of the building including floor plan(s).

5.1.2. Dominion Observatory values and features

Discuss how use of the building can be managed to maintain and enhance the following:

- 5.1.2.1. Building's significance to the wider public
 - The significance of the Dominion Observatory to other residents of Wellington and Aotearoa.
- 5.1.2.2. Heritage site
 - Protect and preserve the heritage site. Refer to the "Dominion Observatory and Gardens Battery Conservation Plan" for further detail.
- 5.1.2.3. Other organisations
 - Work with existing organisations involved in heritage conservation of the Dominion Observatory, such as the New Zealand Historic Places Trust.

5.1.3. Building infrastructure

- 5.1.3.1 Maintenance of the one metre curtilage around the Dominion Observatory.

5.1.4. Visitor appreciation of the building

5.1.4.1. Discuss any provision for visitor appreciation of the Dominion Observatory.

5.2. Respondent capacity

There is one decision to be made in respect of these criteria:

1. Is the Respondent suitable by virtue of experience to carry out the Proposal (either alone or in conjunction with others)?

5.2.1. Leasing experience

Please outline experience in leasing or renting property in the past. Refer to past examples of lease or rental experience to support your ability to carry out the Proposal. If you plan to carry out the Proposal in conjunction with other parties, please outline how you expect the parties to work together to achieve the desired outcomes.

Please provide references as appropriate.

5.3. Other supporting information

Respondents may wish to include other information about how their Proposal will contribute value to conservation. This could include whether they have a connection with other activities in this area and how the Proposal would contribute to the preservation and protection of the building, and its historic values.

6.0 Process for Consideration of Proposals

6.1. Evaluation process

All Proposals received will be evaluated following the process set out below.

6.1.1. Stage One

Proposals will be checked to ensure that Respondents have submitted a complete Application including the application form at appendix two and all of the information requested in paragraphs 5.1-5.3 of this document. This evaluation is to determine the presence of the information, not the quality.

If Respondents can demonstrate that they have made a reasonable attempt to provide this information, their Proposal will be considered in Stage Two.

6.1.2. Stage Two

The Department will assemble a panel to assist the Minister review Proposals that have passed Stage One.

Proposals will be assessed on their overall merits, based on the Proposal criteria and the extent to which they give effect to:

- 6.1.2.1. the relevant statutory planning requirements for the Dominion Observatory;
- 6.1.2.2. the Dominion Observatory and Gardens Battery Conservation Plan.

No particular weightings will be assigned to the Proposal criteria, as the Minister will assess the Proposal as a whole. However, the Minister will be guided by the requirements of the Conservation Act 1987, including the requirement in section 4 to give effect to the principles of the Treaty of Waitangi, in administering and interpreting the Act.

While wider recreational and conservation opportunities are not included in this RFP process, the Minister may consider any information provided by Respondents as to any current or potential future involvement in such opportunities and how their Proposal may relate to these.

6.2. Due diligence

In addition to the above, the Department may undertake the following due diligence in relation to shortlisted Respondents. The findings will be taken into account in the evaluation process:

6.2.1. Reference check the Respondent.

6.2.2. Other checks e.g. Companies Office.

7.0 Terms and conditions of RFP process

7.1. RFP Period/submission of Proposals

Written Proposals will be accepted at the Department of Conservation Hamilton Office, Level 4, 73 Rostrevor Street, Private Bag 3072, Hamilton 3240 or can be emailed to dliddell@doc.govt.nz until **5:00pm on Tuesday 14 April 2020**.

Proposals received after this date will not be considered unless it can be shown that the proposal was delivered late due to unanticipated factors out of their control.

Proposals must be addressed to Darcy Liddell, Permissions Advisor, and marked on the top outside left-hand corner “**Request for Proposals – Dominion Observatory.**”

7.2. Complete Proposals/Applications

Only Proposals which are complete that include the applicant details in the application form and refer to all of the criteria in paragraphs 5.1 to 5.2 (including all information requested within the subparagraphs) will be considered.

Applications from a partnership or unincorporated joint venture must include the full names and addresses of all partners or members of the joint venture. If an Application is signed by one person, that person may be asked to provide evidence of authority to act on behalf of the other partners or members.

The cost of preparing and submitting a Proposal shall be borne by the Respondent.

Applications must be accompanied by the RFP Lodgement Fee. Any Proposal received without the RFP Lodgement Fee will not be accepted.

7.3. No concession application

The Proposal Documents and any other information provided under this process shall not be treated as a concession application pursuant to Conservation Act 1987. Proposals will be assessed for the purposes of selecting the most suitable Proposal(s). A Respondent may be invited to apply for a concession once all Proposals have been considered.

7.4. Ownership/confidentiality

The RFP Documents and any other documents resulting from this RFP process are the property of the Minister.

Subject to other legislative requirements, Respondents may ask for their Proposal Documents to be returned in a reasonable condition within two months after the closing date of the RFP Period.

The Minister will take reasonable steps to protect the Proposal Documents and, subject to the provisions below, will not disclose the Respondent's Confidential Information to a third party without the Respondent's prior written consent.

The Minister may disclose the Respondent's Confidential Information to any person who is directly involved in the RFP process on its behalf, such as officers, employees, consultants, contractors, or professional advisors, evaluation panel members, but only for the purpose of participating in the RFP.

The Minister's obligations are subject to requirements imposed by the Official Information Act 1982, the Privacy Act 1993, parliamentary and constitutional convention and any other obligations imposed by law.

7.5. Third party information

Each Respondent authorises the Minister to collect additional information, except commercially sensitive pricing information, from any relevant third party (such as a referee or a previous or existing client) and to use that information as part of its evaluation of the Respondent's Proposal.

Each Respondent is to ensure that all referees listed in support of its Proposal agree to provide a reference.

To facilitate discussions between the Minister and third parties each Respondent waives any confidentiality obligations that would otherwise apply to information held by a third party, with the exception of commercially sensitive pricing information.

7.6. Amendments to RFP Documents

Where any amendment to the RFP Documents is considered necessary by the Minister, a notice of amendment (Notice of Amendment) shall be published on the Department's website and sent to all Respondents and persons who have previously expressed an interest in the RFP process. Any such amendment shall, upon notification, become part of the RFP Documents.

Where the Minister issues a Notice of Amendment, Respondents have the right to withdraw their proposal, modify it in light of the Notice of Amendment and resubmit their proposal within the time specified in the Notice of Amendment.

7.7. Statutory or other requirements

It will be the sole responsibility of the Respondent to ensure they can meet any statutory or other requirements to carry out their proposal.

7.8. Lodgement Fee

Respondents must pay a non-refundable lodgement fee of \$500.00 + GST with their proposal to offset the costs of running the Request for Proposals process.

7.9. Respondents to be satisfied

Respondents are considered to be fully aware of the conditions relating to this RFP process and to have examined the RFP Documents and any other information supplied in writing.

Respondents are deemed to have satisfied themselves before applying as to the accuracy and sufficiency of their Proposal Documents.

7.10. No obligation

The Minister has no obligation whatsoever to compensate or indemnify any Respondent for any expenses or loss that the Respondent may incur in the preparation of their RFP. There is no guarantee that any Proposal will be accepted, and/or subsequent process run, and/or any concession granted.

The Minister will give written notice to all Respondents who have submitted bona fide proposals advising the outcome of the RFP process.

The Minister is not bound to:

- a) Accept any Proposal;
- b) Give any reason to any person for the rejection or otherwise of any Proposal;
- c) Complete the RFP process.

The Minister reserves the right:

- a) To reject any Proposal;

- b) At any time to withdraw the Reserve or any part of the Reserve from the RFP notwithstanding that proposals may have been called for and / or received;
- c) At any time to withdraw the RFP or again call for proposals or consider further proposals received in accordance with Part IIIB of the Conservation Act 1987.

7.11. No contract

Neither the RFP, nor the RFP process, creates a process contract or any legal relationship between the Minister and any Respondent.

The fact that this RFP process is being conducted is in no way to be taken as an indication that a concession will be granted. That decision is one for the Minister to make under Part IIIB of the Conservation Act 1987 and is entirely separate from this RFP process.

7.12. Disclaimer

The Minister will not be liable in contract, tort, equity, or in any other way whatsoever for any direct or indirect damage, loss or cost incurred by any Respondent or any other person in respect of the RFP process.

Nothing contained or implied in the RFP, or RFP process, or any other communication by the Minister to any Respondent shall be construed as legal, financial or other advice. The Minister has endeavoured to ensure the integrity of such information. However, it has not been independently verified and may not be up to date.

To the extent that liability cannot be excluded, the maximum aggregate liability of the Minister, its agents and advisors is \$1.

7.13. Respondents' Enquiries

Should interested parties have any questions in relation to the RFP process, please get in contact with the Department:

Darcy Liddell, Permissions Advisor

Department of Conservation

Private Bag 3072

Hamilton 3240

Subject Line: Dominion – Request for Proposals or;

Email: dliddell@doc.govt.nz

7.14. Definitions

“Application” means an application in the form set out in appendix two.

“Confidential Information” is information that:

- is by its nature confidential (including culturally sensitive information)
- is marked by either the Minister or a Respondent as ‘confidential’, ‘commercially sensitive’, ‘sensitive’, ‘in confidence’, ‘top secret’, ‘secret’, ‘classified’ and/or ‘restricted’
- is provided by the Minister, a Respondent, or a third party in confidence
- the Minister or a Respondent knows, or ought to know, is confidential.

Confidential information does not cover information that is in the public domain through no fault of either the Minister or a Respondent.

“Proposal” means a proposal submitted in accordance with the RFP process.

“Proposal Documents” means all documents submitted in support of a Proposal.

“Respondent” means a person who submits a Proposal. The term Respondent includes the individual submitting the proposal and any entity or group on whose behalf it is submitted, together with its officers, employees, contractors, consultants, agents and other nominated contact persons.

“RFP Documents” mean all documents that form part of this Request for Proposals, including the appendices, schedules and attachments and any Notices of Amendment.

“RFP Period” means the period from 9:00am Monday 16 March 2020 to 5:00pm 14 April 2020.

Appendix One

INFORMATION SHEET

1. CLOSING DATE FOR ACCEPTANCE OF PROPOSALS

5:00PM, 14 April 2020

Delivered to the Department of Conservation, Hamilton Office,
Level 4, 73 Rostrevor Street,
Private bag 3072,
Hamilton 3240

Attention: Darcy Liddell, Permissions Advisor – Dominion Observatory – Request for Proposals

Or Email: dliddell@doc.govt.nz

Subject Line: Dominion Observatory – Request for Proposals

2. DEPARTMENT OF CONSERVATION CONTACT

Darcy Liddell, Permissions Advisor
Department of Conservation
Private Bag 3072
Hamilton 3240
Phone: 027 536 6915
Email: dliddell@doc.govt.nz

3. APPLICATION CHARGES

Lodgement Fees:

Respondents must pay a non-refundable lodgement fee of \$500.00 + GST with their application to offset the costs of conducting this RFP Process.

Appendix Two

Dominion Observatory – Lease Opportunity

Application Form – Request for Proposals for Lease of the Dominion Observatory, Kelburn, Wellington

PROCESS UNDER S17ZG(2)(A) OF THE CONSERVATION ACT 1987 TO REQUEST PROPOSALS FOR A LEASE OPPORTUNITY OF THE DOMINION OBSERVATORY, KELBURN, WELLINGTON.

Please complete and return this form.

I (full name) _____

On behalf of (company/partnership name, if applicable) _____

trading as (trading name, if applicable) _____

address _____

submit the following information as requested by paragraphs 5.1 – 5.3 (including all subparagraphs) of the RFP document.

Signed:

Date:

Please provide the following additional information:

contact phone number _____

email address _____

website address (if applicable) _____

names and addresses of any other partners/ joint venture members: _____

names and contact details for any other contact persons for the proposal: _____

1.0 Payment of RFP Lodgement Fee

Respondents must pay a non-refundable lodgement fee of \$500.00 + GST with their application form to offset the costs of conducting this RFP process.

- a.** The RFP Lodgement Fee may be submitted by either of the following means:
 - i.** By way of cheque made out to the Department of Conservation and submitted with the application form; or
 - ii.** By way of internet bank transfer as per the following details:

Department of Conservation

Westpac 03 0049 0002808 00

Reference: Dominion Observatory Lease Opportunity

Proof of transfer must be included with the application form.

Appendix Three

Dominion Observatory and Gardens Battery Conservation Plan – at [DOC-2524181](#) and associated building plans at [DOC-2524183](#).