

AUCTION CATALOGUE



FOR THE ALLOCATION OF SELECTED VACANT APIARY RANGES IN STATE FORESTS ON THE SOUTH COAST OF NSW



CATALOGUE REFERENCE: FCNSW APIARY 20151

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Part 1 – Auction Information

1.1 INTRODUCTION

The Forestry Corporation of NSW ('FCNSW') is the largest manager of commercial native and plantation forests in NSW. Managing more than two million hectares of forests for the economic, environmental, and social benefit of the people of NSW and Australia, FCNSW adheres to the values of integrity, collaboration, respect, innovation, customer and stakeholder focus, safety and sustainability. FCNSW is a statutory State owned corporation, constituted under the *Forestry Act 2012* (NSW), sitting within the NSW Trade & Investment Cluster and reporting to a Board of Directors.

FCNSW manage a native forest estate of approximately 1.8 million hectares and approximately 35,000 hectares of hardwood plantations, producing approximately 1,300,000 tonnes per annum of log products. FCNSW is committed to ensuring a supply of timber from NSW State forests today and into the future while also protecting other forest values such as biodiversity, clean air and water and public access for recreation. We are committed to running a safe and profitable business for the people of NSW.

1.2 OBJECTIVES

FCNSW' objectives for this procurement are:

- To source competent apiarists to successfully and professionally manage currently vacant "high demand" apiary ranges into the future;
- To undertake the procurement in a fair and equitable manner, consistent with the principles of transparency and accountability;
- To deliver value for money to FCNSW.

1.3 SCOPE OF WORKS

FCNSW has identified 24 currently vacant South Coast apiary ranges that have been categorised as potentially "high demand" as they carry varying proportions of highly sought after Spotted Gum forest. These ranges are vacant for a number of reasons including:

- No payment of Permit fees;
- Previously poor State forest access;
- Handed back by previous licensee; and
- Long term vacancy for unknown reason.

This trial competitive allocation process will be managed and determined by FCNSW.

All ranges will be allocated for a fixed 5 year Term with a renewal option at the end of the Term. All ranges will be subject to full payment for the 5 years at the commencement of the Term.

1.4 AUCTION PROCESS

An online auction process will be used for the allocation of ranges. The auction itself will be conducted by an independent third party (AuctionsPlus Pty Ltd) and will be conducted online. An Auction Catalogue document will be available and will be placed on the AuctionsPlus Website at the link below:

<http://www.auctionsplus.com.au/>

All current holders of a FCNSW' Forest Permit – Bee Keeping will be advised by post of the Online Auction process and the location of the information package and documentation on the AuctionsPlus Website. Additionally, bee keepers who may not have current Permits but who may have already expressed an interest in taking up one of the vacant ranges, and who have left their contact details at FCNSW' Batemans Bay Office, will also be advised of the process by post.

The Online Auction process will also be advertised in local printed media, on the FCNSW' internet Website, and in *Honey Bee News*, the official journal of the NSW Apiarists Association (NSWAA).

AuctionsPlus will contact each of the parties invited to participate in the auction to enable them to register for the auction and access the online auction website.

1.5 TIMETABLE

An indicative auction schedule is as follows:

Activity	Target Date
Release of Auction Catalogue	31 st March 2015
Apiary Range Inspections	From 1 st April 2015
Auction Registration Closes	22 nd May 2015
Online Auction Commences	9:00 am 27 th May 2015
Online Auction Concludes	11:00 am 27 th May 2015 (Estimated)
Winning Bidders Advised	28 th May 2015
Apiary Ranges Available	29 th May 2015

1.6 CONTACT OFFICERS

All inquiries should be directed to one of the Contact Officer(s):

Richard Rienstra
Senior Land Administrator – Wauchope
PO Box 168, WAUCHOPE NSW 2446
02 6586 9733 or 0427 255293
richard.rienstra@fcnsw.com.au

Jude Parr
Land Administrator – Wauchope
PO Box 168, WAUCHOPE NSW 2446
02 6586 9216 or 0409 882922
jude.parr@fcnsw.com.au

Brendan Grimson
Partnerships Co-ordinator - Batemans Bay
2 Orient Street, BATEMANS BAY NSW 2536
02 4475 1414 or 0429 902282
brendan.grimson@fcnsw.com.au

1.7 MANDATORY CRITERIA AND REGISTRATION

To be eligible to participate and bid in the online auction process, respondents must:

- Be a Registered Bee Keeper.
- Certify their bee hives are disease free.
- Complete and submit all of the required forms and documents.

- Be an appropriate legal entity.

Bee Keepers seeking to participate in the online auction process will need to register and are required to complete and return **Form 1** to Richard Rienstra at FCNSW' Wauchope address above.

Applicants who do not meet the mandatory eligibility criteria will not be invited to participate in the online auction process.

1.7.1 Appropriate legal entity

Acceptable legal entities include: a sole trader; partnership; holding company; subsidiary company; registered (limited or proprietary limited) company; joint venture and trustee (under certain circumstances).

Entities not acceptable are: those only with business names or trading names without an acceptable legal entity or name; groups of companies (or consortia) without an acceptable legal entity; some trusts; unincorporated partnerships in some cases; or where the entity has a 'Provisional Liquidator' or a 'Receiver and Manager' appointed, or has gone into voluntary administration.

1.7.2 Process

Participants must certify that they:

- Have read this Auction Catalogue, its attachments and any amendments issued by FCNSW.
- Agree to the Forest Permit - Bee Keeping terms and conditions.
- Agree to the terms and conditions of participating in the auction set out in this Auction Catalogue.
- Submitted all forms accurately and truthfully.

For this purpose participants are required to sign and return **Form 2**.

Participants that represent an unacceptable risk to the probity and fairness of the process will not be permitted to participate in the auction.

1.8 FIELD INSPECTIONS

Participants are encouraged to individually undertake field inspections of the proposed apiary ranges and make their own assessment of range value, access and any other operational issues that may arise under any resulting Forest Permit – Bee Keeping. The inspections are not mandatory but are highly recommended for parties not currently operating in the areas of the ranges.

Individual range maps are available on the AuctionsPlus website and also have been provided as attachments to this Auction Catalogue locating the proposed permit areas. Individual range maps may also be picked up from FCNSW' Batemans Bay Office.

Issues raised at any time by any participant that indicate a need to clarify or amend the auction rules may give rise to the issue of an addendum to all registered participants.

1.9 INFORMATION

For the purpose of preparing for the auction, participants should only rely on information provided:

- in this Auction Catalogue;
- in writing from Forestry Corporation, signed by a Contact Officer.

1.10 STATUS OF AUCTION BID

The potential status of each auction bid is as described in Part 3, Terms and Conditions.

1.11 AMENDMENTS

FCNSW may clarify or amend this Auction Catalogue up to 24 hours before the start of the auction. Any such clarifications or amendments will be communicated by email to all registered participants.

1.12 UNAUTHORISED COMMUNICATIONS AND ANTI-COMPETITIVE CONDUCT

Communications relating to the auction with FCNSW staff or its consultants are not permitted except with the prior written consent of the Contact Officer. Nothing in this section is intended to prevent communications with staff of, or external consultants to, FCNSW to the extent that such communications do not relate to the auction. Participants must not otherwise engage in any activities that may be perceived as, or that may have the effect of, influencing the outcomes of the auction in any way. FCNSW may, in its sole and absolute discretion, disqualify a participant for unauthorised communications.

Participants and their respective employees, agents and advisers must not engage in any collusion or anti-competitive conduct with any other participants in relation to the auction.

In addition to any other remedies available to it under the common law or in contract, FCNSW may, in its sole and absolute discretion, immediately disqualify a participant that it believes has engaged in such collusive or anti-competitive conduct.

1.13 CONFIDENTIALITY

Details provided by participants will be kept strictly confidential and will not be divulged to any third parties except:

- as required by law, including the *Government Information (Public Access) Act 2009* (GIPA Act); and/or
- as required by the NSW Government's provisions for disclosure; and/or
- to FCNSW' professional advisers; and/or
- when agreed by the participant.

1.14 FORESTRY CORPORATION'S RIGHTS

Notwithstanding anything else in this document, and without limiting its rights at law or otherwise, FCNSW reserves the right, in its absolute discretion at any time, to:

- a) cease to proceed with, or suspend the auction;
- b) alter the structure and/or the timing of the auction;
- c) vary or extend any time or date specified in this document for all or any participant or other persons;
- d) terminate the participation of any participant or any other person in the auction;

- e) require additional information or clarification from any participant or any other person or provide additional information or clarification;
- f) reject any auction bid that does not comply with the requirements of the auction rules.

1.15 PARTICIPANT WARRANTIES

By participating in the auction, a participant warrants to FCNSW that:

- a) it did not rely on any express or implied statement, warranty or representation, whether oral, written, or otherwise made by or on behalf of FCNSW, its officers, employees, agents or external consultants other than any statement, warranty or representation expressly contained in this document (including any written document formally amending or adding to this document) or a written statement of FCNSW which forms part of the formal clarification process described in this document;
- b) it relies solely on its own judgment as to the operational requirements for it to manage the apiary range(s) the subject of the auction;
- c) it did not use or seek to use improperly the assistance of FCNSW employees or ex-employees, and/or information unlawfully obtained from FCNSW,
- d) it has not engaged in any collusion or anti-competitive conduct with any other participant in relation to this auction
- e) it has examined and fully understands this document, and any other documents referenced or referred to herein, and any other information made available in writing by FCNSW to participants for the purposes of participating in the auction;
- f) it has sought and examined all necessary information which is obtainable by making reasonable enquiries relevant to the risks and other circumstances affecting its participation;
- g) it has otherwise obtained all information and advice (whether legal, financial or otherwise) necessary for its participation in the auction and it has not relied on any representation or statement of FCNSW as constituting advice (whether legal, financial or otherwise);
- h) it is responsible for all costs and expenses related to its preparation for and participation in the auction;
- i) it otherwise accepts and will comply with the rules set out in this document;
- j) it will provide additional information in a timely manner as requested by FCNSW to clarify any matters necessary for the auction

By participating in the auction, a participant understands that FCNSW will (if it accepts the auction bid) do so acting in reliance upon these warranties.

Part 2 – Auction Lots & Auction Rules

Available Lots (Apiary Ranges)

Maps of each specific apiary range proposed for online auction on the South Coast are available from the AuctionsPlus website or FCNSW' Batemans Bay Office.

<http://www.auctionsplus.com.au/>

FCNSW intends to auction the available resource in 24 lots as detailed below.

Management Area Name	State Forest	Lot Number	Range Identification Number
BATEMANS BAY	Currowan	1	scbby14.26
BATEMANS BAY	Currowan	2	scbby16.21
BATEMANS BAY	Mogo	3	scbby18.12
BATEMANS BAY	Mogo	4	scbby19.12
BATEMANS BAY	Mogo	5	scbby22.11
BATEMANS BAY	Benandarah	6	scbby23.21
BATEMANS BAY	Boyne	7	scbby23.27
BATEMANS BAY	South Brooman	8	scbby25.29
BATEMANS BAY	South Brooman	9	scbby28.28
NAROOMA	Bodalla	10	scnar16.12
NAROOMA	Bodalla	11	scnar21.17
NAROOMA	Bodalla	12	scnar23.17
NAROOMA	Bodalla	13	scnar25.11
NAROOMA	Corunna	14	scnar29.07
NOWRA	Yerriyong	15	scnow10.13
NOWRA	Yerriyong	16	scnow10.14
NOWRA	Yerriyong	17	scnow10.16
NOWRA	Yerriyong	18	scnow11.14
NOWRA	Yerriyong	19	scnow11.16
NOWRA	Currambene	20	scnow20.26
NOWRA	Yerriyong	21	scnow8.12
NOWRA	Yerriyong	22	scnow8.15
NOWRA	Yerriyong	23	scnow9.12
NOWRA	Yerriyong	24	scnow9.13

Auction Rules

1. Highest Bidder

Subject to the other Auction Rules the highest bidder for each lot (range) will be deemed to be the winner of the lot (range).

2. Bidding Structure and Units

Bids should comprise an annual price/rate, including GST, offered for each year of a fixed 5 year Term. All bids should be in whole dollars.

3. Passed in Lots

A lot (range) will be passed in when, at the completion of the auction, the highest bid is less than the reserve.

Where a lot is passed in, the person who makes the highest bid may, within the time period specified by the market operator in the catalogue (in this case 1 hour), increase his bid to a price equal to the reserve price, in which case the lot will be deemed sold at the auction at that price.

Part 3 – Terms and Conditions

The winning bidder for each lot (range) will be deemed to have entered into a binding contract in the form of a Forest Permit – Bee Keeping for a 5 year Term.

The relevant contract terms and conditions will then be delivered to the winning bidders.

Part 4 - Forms

AUCTION FORM 1 – COMPANY INFORMATION & MANDATORY CRITERIA

Item	Details	Example
Business Type:		<i>Trust</i>
Business Name:		<i>Flame Fires Pty Ltd as Trustee of Flame Family Trust</i>
Address:		<i>26 Fire Road Fireville 9045</i>
Australian Company Number (ACN):		<i>76 846 538 543</i>
Australian Business Number (ABN):		<i>846 538 543</i>
Director(s) Name(s);		<i>Fred Flame Hilda Flame</i>
Trading Name:		<i>Flame Fires 1234567V</i>
Contact Name & Title:		<i>Mr Fred Flame</i>
Postal Address:		<i>26 Fire Road Fireville 9045</i>
Registered Bee Keeper Number:		<i>123 456</i>
Office Phone No :		<i>02 96880511</i>
Mobile Phone No:		<i>0439844680</i>
Email Address:		<i>trees@bigpond.com.au</i>

AUCTION FORM 2 – CERTIFICATION

On behalf of the below named company I hereby certify that:

- I have read the Auction Catalogue (Reference: FCNSW Apiary 20151), its attachments, related documents and any amendments issued by FCNSW;
- I agree to the Forest Permit – Bee Keeping terms and conditions;
- To the best of my knowledge my hives are disease free;
- Agree to the terms and conditions set out in the Auction Catalogue regarding the basis upon which the company participates in the auction referred to in the Auction Catalogue;
- Submitted all forms accurately and truthfully.

Signed for and on behalf of:

Company Name	
Director(s) Signature	
Date	