



Mobile Food Vendors

Invitation for Expressions of Interest (Eoi)



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1. Introduction

The City has an overall framework to guide the strategic commercial use of City owned and/or managed land, and a policy entitled 'Commercial use of City Land and Facilities' was adopted on 20 May 2020. This policy can be found on the City of Busselton website at the following link:

[Commercial use of City Land and Facilities](#)

2. Application Process

This Invitation for Expressions of Interest (Eoi) for mobile food vendors seeks to meet the objectives outlined in the adopted policy '*Non-exclusive commercial use of City land*'.

Locations available for expressions of interest are described in Appendix 1 and maps of each area are also at [Approved Trading Locations Mobile Food Vendors](#)

Mobile food vendors registered under the *Food Act 2008* are invited to complete the [Application for Trading Permit Mobile Food Vendor – Fixed Location](#) and provide a supporting written submission addressing each of the criteria as shown in Section 8 below. Applications for multiple locations must demonstrate sufficient capability to be able to service these locations with existing or proposed mobile vending assets.

At the close of the advertising period, all applications for each location will be assessed by a panel of City of Busselton Officers from functional areas including Environmental Health, Economic Development, Community Development and Engineering and Works. Applications will be assessed against the weighted criteria as presented within the application process (see page 8), scored independently as a range between 1 and 10 (1 being the lowest and 10 being the highest score) by each panel member to provide a score out of 140 for each application. The panel will then meet to discuss the applications and provide a recommendation to the Chief Executive Officer (CEO) to issue a permit/s to the selected mobile food vendor to operate from the specified locations.

It should be noted that an invitation to express interest is a competitive process and that not all mobile food vendors applying to trade within the approved sites are likely to be successful. It should also be noted that only one entity will be selected to operate at each designated location at each of the approved sites.

3. Definitions

- Core Trading Period (summer) – 15 December to 15 February of each year.
(It will be mandatory for permit holders to operate within this period and permits may be cancelled should this not occur)
- Extended Trading Period (Shoulder) – (15 October to 15 December) and (15 February to 30 April), gazetted school holidays, public holidays, public holiday weekends, regional events and special events where approved by the City of Busselton.
- Mobile Food Vendor – a business operated from a vehicle, van, trailer, push/pull cart (or similar) that complies with the *Food Act 2008* and ANZFA Food Safety Standards.
- Permit – a permit issued under the *Activities in Thoroughfares and Public Places and Trading Local Law 2015* or under the *Property Local Law 2010*

- Public Place – as defined in the *Activities in Thoroughfares and Public Places and Trading Local Law 2015* includes—
 - any thoroughfare or place which the public are allowed to use, whether or not the thoroughfare or place is on private property; and
 - local government property; but does not include premises on private property from which trading is lawfully conducted under a written law

The Local Law can be downloaded at:

[Activities in Thoroughfares and Public Places and Trading Local Law 2015](#)

- Expression of Interest – a formal competitive recruitment process including advertising, evaluation, and selection of operators with the aim of issuing permits to trade on City owned and/or managed land.
- Temporary Business – a business which has non-permanent facilities and is operated from a site designated or approved by the City.
- Respondent – A person or business responding to the Expression of Interest

4. Sites Approved for the Operation of Mobile Food Traders

Trading sites have been selected by the City due to their strategic location either:

- attracting a particular specialised service to an area, or
- in support of established demand for the service existing at the location.

Trading sites have been approved at the locations shown in Appendix 2.

5. Permit Fees and Charges

Fees are charged annually and applicable to each location. Fees (2023/2024) described below:

1. Application Fee: \$ 167.00

2. **Permit Fee:** Permit fees are set annually by Council as a component of the annual budget and in accordance with the *Activities in Thoroughfares and Public Places and Trading Local Law 2015*. Fees generally reflect the administrative and service costs (car park infrastructure, surrounding parks maintenance, waste/rubbish collection frequency) associated with trading in public places. [Fees and Charges \(2023/2024\)](#)

Zone 1 - Prime Coastal Site (Meelup Beach Only): \$6,022pa

Zone 1A - Prime Coastal Site (Boat Ramp Car Parks): \$4,423pa

Zone 2 - Secondary Site (other coastal and foreshore nodes): \$3,304pa

Zone 2A - Other Inland Sites: \$2,771pa

6. Term

The maximum term of a permit for a Mobile Food Vendor at any location may be for a period up to two (2) years. The City reserves the right to nominate permits for terms less than two years at the discretion of the CEO. The CEO may also (by giving written notice), reduce the term or cancel the permit as a consequence of non-compliance with conditions and terms on the Permit issued.

Conditions will require the permit holder to operate from the site within the 'Core Trading Period' and substantially within the 'Extended Trading Period' (see definitions above). The CEO may cancel a permit should the operator not trade within the core trading period and for the majority of the extended trading period. Submissions may also include proposals to trade outside these periods.

7. Submission Requirements

The City of Busselton invites interest from registered mobile food vendors to operate from designated locations within the City (refer Appendix 2 for a description of each location).

A permit may be issued to respondents to this EoI process based on submissions addressing the Assessment Criteria outlined in Section 8 below. The process will require respondents to submit proposals for the operation of mobile food vendors (e.g. vehicles/trailers/vans) at the designated sites in Appendix 2 by nominating the preferred trading site. (Precise locations at each site will be determined by geo-coordinates once the EoI process is complete and will form part of the permit).

A separate application form will be required to be submitted for each site nominated. Respondents nominating more than one site must demonstrate they have sufficient capability to service multiple sites/locations with existing or proposed mobile vending assets.

Respondents must acknowledge the following matters and address them in the submission. These matters will form conditions in permits issued to successful respondents. They include, but are not limited to, the following:

- No physical equipment is to be stored on the site when operators are not operating onsite;
- Generators must comply with noise regulations and will form part of the approval process;
- Alfresco seating is disallowed and will not be entertained when assessing a submission;
- Waste from food preparation must be removed from the site each day and operators must not rely on City provided public bins (other than for incidental customer use);
- A bin is to be provided for customers' litter and removed from the site at the end of each day. Any litter observable from the site and resulting from the operation is to be collected and disposed of by the operator to keep the site in pristine condition;
- No directional or in-situ signage is to be erected without the prior written approval of the City of Busselton. An information sign (e.g. A Frame) and planter boxes may be permitted within the immediate curtilage of the mobile vending asset, to support customer service and beautify the location, however must have written consent from the City;
- Any damage (e.g. liquid spillage/staining, cracking of City assets such as grassed areas, pavement, footpaths etc.) will be the responsibility of the vendor to restore/repair and/or clean.

The submission should provide sufficient information to enable a panel to assess the proposal against the relevant criteria. EOI submissions require applicants to complete the following:

- 1. Mobile Food Vendor Application Form;**
- 2. A written submission addressing each one of the Expression of Interest Assessment Criteria (see Section 8 below);**
- 3. Any references the respondent may wish to provide.**

The total length of submissions addressing Part Two of the application (written submission) addressing Expression of Interest Assessment Criteria, is not to exceed 10 double sided A4 pages (20 pages in total).

8. Expression of Interest Assessment Criteria

A: SITE CRITERIA (Weighting = 35%)		Score	Description
1.	Does the business add something new to the site?	1 to 10	1 = already available within 1km 10 = completely new offering
2.	Does the business compete with or complement existing established permanent businesses in the locality?	1 to 10	1 = direct competition 10 = a totally complementary fit+
3.	Is the business fully self-contained with respect to required utilities (e.g. water, power, gas)?	1 to 10	1 = reliant on other services or businesses 10 = fully self-contained
4.	Does the business have the potential to create vehicular congestion in the local vicinity?	1 to 10	1 = significant congestion anticipated 5 = moderate congestion anticipated 10 = no congestion anticipated
5.	Are there any environmental or amenity considerations in locating the business at the proposed site? For example but not limited to noise, odour, visual, anti-social behaviour, environmental degradation, etc.	1 to 10	1 = potential significant adverse impact 5 = some potential adverse concerns 10 = no adverse impact.
B: SERVICE CRITERIA (Weighting = 25%)			
6.	What is the business's intended trading period? (e.g. month proposed to start and finish and the continuity during the period)	1 to 10	1 = occasional weekend/weekday 5 = summer months Dec-March 10 = summer and shoulder months and gazetted school holidays and public holidays and weekends
7.	Is the business currently operating successfully as a mobile food vendor at an approved location within the City of Busselton?	1 to 10	1 = new business 5 = business operating at events only 10 = established and well run mobile food vendor
8.	Does the business currently hold a Food Business Registration from the City of Busselton?	1 to 10	1 = Perth Metropolitan Area registered 5 = South West registered 10 = City of Busselton registered
9.	Is the mobile food van permanently located within the City of Busselton?	1 to 10	1 = located in Perth Metropolitan Area 5 = located within the South West 10 = located within the City of Busselton
10.	Does the mobile vending asset have sufficient provision for waste management and removal from the trading site at the end of each day?	1 to 10	1 = not sufficient 5 = partially sufficient 10 = fully sufficient
C: PRODUCT OFFERING (Weighting = 25%)			
11.	Does the product offering have appeal to the general public and suited to the recreational or tourism orientation of the site?	1 to 10	1 = general limitations e.g. only attractive to certain demographic or other population factor 5 = some limitations 10 = general public appeal and suited to site
12.	Does the product offering provide a point of difference to what is normally available at the site or within close proximity to the site, including other traders?	1 to 10	1 = same as already offered at the site 5 = some overlap to what is available at the site 10 = different offering to what is currently available at the site
13.	Does the product offering include healthy food options?	1 to 10	1 = no healthy food options available 5 = some healthy and some unhealthy food options available 10 = only healthy food options are available

9. Lodging a Submission

Expressions of Interest submissions are to be lodged at the following address:

Chief Executive Officer
City of Busselton
2 Southern Drive
Busselton, Western Australia 6280

Submissions may also be emailed to: city@busselton.wa.gov.au

Other rounds seeking EOI's for sites not already allocated (or newly identified sites) may be advertised at the sole discretion of the City.

10. Non-Conforming Submissions

Non-conforming/alternate submissions for the sites described in Appendix 2 will not be accepted however the City of Busselton may consider submissions identifying 'new' sites. These will be subject to further advertising and EOI process at the absolute discretion of the City of Busselton.

11. General Conditions for Expressions of Interest

Acceptance and Rejection of EOI

The City of Busselton (the City) may in its sole discretion accept any EOI, either wholly or in part, or decide not to accept any EOI (or part of an EOI) at all.

Following the evaluation of the EOI's the City may, in its sole discretion, choose not to issue a permit relating to the EOI.

Disclosure of EOI Evidence

The Respondents acknowledge and accept that the City may be required by law (under the *Freedom of Information Act 1992*, in terms of a court order or otherwise) to disclose documents and/or other information which form part of, or are in relation to, the EOI and or this EOI process.

The Respondent shall treat the information in this EOI and any/all information provided by the City or its nominated agents, in relation thereto as confidential and communicate it only to the people directly involved in the preparation of its EOI.

Information relating to the examination, clarification, evaluation and comparison of the proposal submitted in response to this EOI is confidential to the City and will not be disclosed to Respondents or any other persons not officially concerned with such process.

EOI Validity Period

All EOI's will remain valid and open for acceptance for a minimum period of ninety (90) days from the deadline unless extended on mutual agreement between the City and the Respondent in writing.

No Permit

This EOI may result in the issues of a Permit, but is in itself not an offer open for acceptance by Respondents by submitting an EOI.

Conditions Binding

EOI's will be deemed to have been made on the basis of and to incorporate (and Respondents shall be bound to) all the terms and conditions of this EOI.

Respondents to Inform Themselves

Respondents will be deemed to have:

- examined the EOI and any other information available in writing to Respondents for the purpose of submitting an EOI;
- examined and to be aware of all the risks; contingencies, and other circumstances having an effect on their EOI, which is obtainable by the making of reasonable enquires; and
- satisfied themselves they have a full set of the EOI documents and all relevant attachments and acknowledge the background reports referred to in Section 8 of this EOI document.

The City has used all reasonable efforts in compiling this EOI. It will not be liable to Respondents for any inaccuracy or omission in this EOI or any additional information which may be provided or withheld.

Alterations

The Respondent must not alter or add to the EOI or any part thereof, unless specifically required by this EOI.

The above timeframes are subject to all information being provided by the respondent at the time of application assessment.

Ownership of Documentation

All documents, materials, articles and information submitted by the Respondent as part of or in support of an EOI will become upon submission of the EOI the absolute property of City and will not be returned to the Respondent PROVIDED that the Respondent is entitled to retain any copyright and other intellectual property rights therein, unless otherwise provided by the EOI.

Canvassing of Councillors

If a Respondent, whether personally or by an agent, canvasses any of the City's Councillors with a view to influencing the acceptance of any EOI regardless of such canvassing having any influence on the acceptance of any EOI, the City may at its absolute discretion omit such Respondent's EOI from consideration.

Changes To/Withdrawal of EOI

The City reserves the right to:

- notify the Respondents in writing before the Deadline of any changes to this EOI which may in the discretion of the City be necessitated by any matter of significance;
- extend the deadline for submissions; or
- cancel, amend, re-issue or withdraw all or part of this EOI and/or process under it at any stage prior to entering into a Permit, without incurring any liability.

No Right to Claim

Except as expressly and specifically permitted in this EOI, no Respondent shall have any claim for compensation of any kind whatsoever, as a result of participating in or responding to this EOI. By submitting an EOI, each Respondent shall be deemed to have agreed that it has no right to claims.

12. Further Enquiries

Environmental Health Coordinator, City of Busselton

Telephone: (08) 9781 0444 or Email: city@busselton.wa.gov.au

www.busselton.wa.gov.au

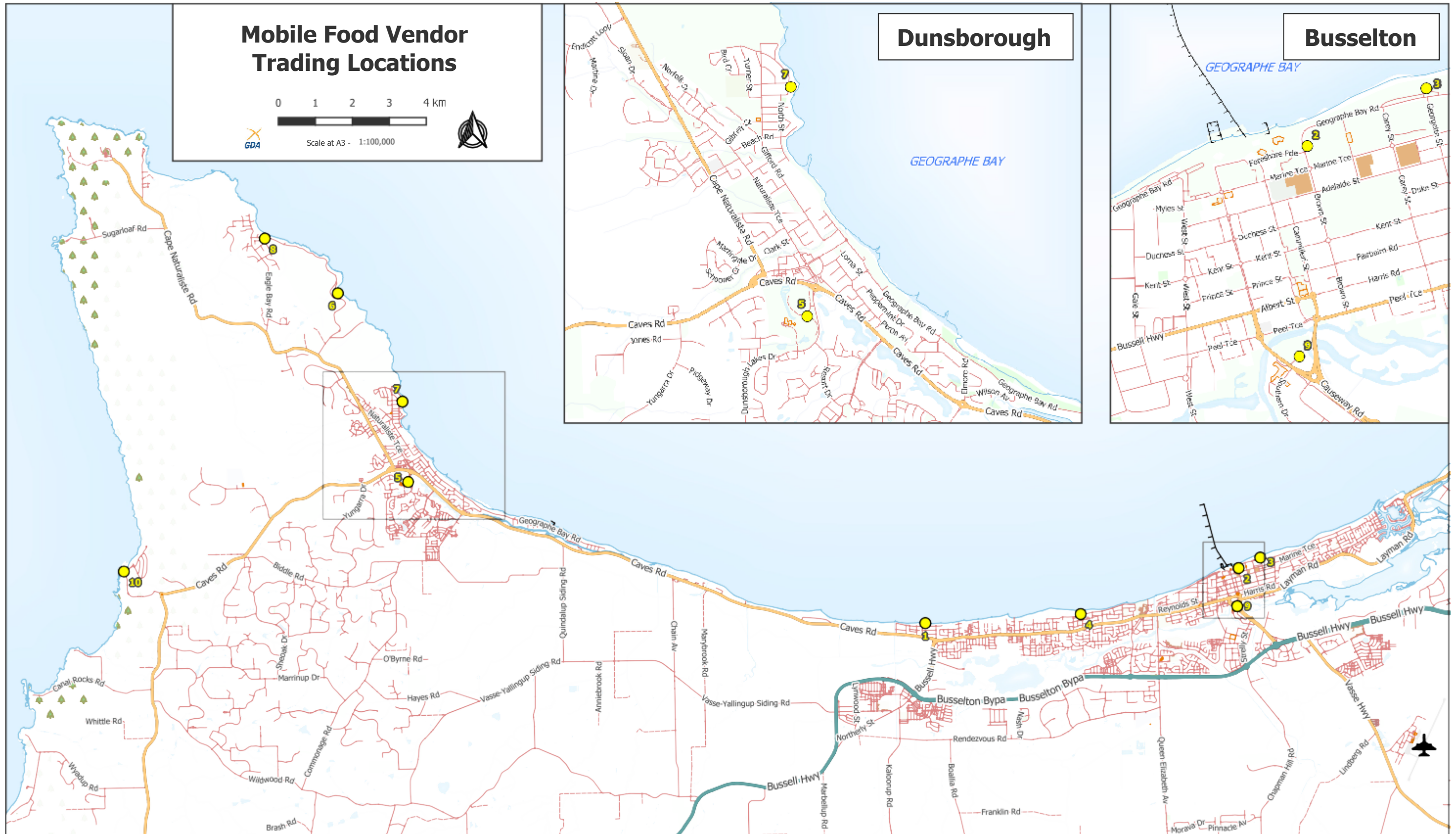
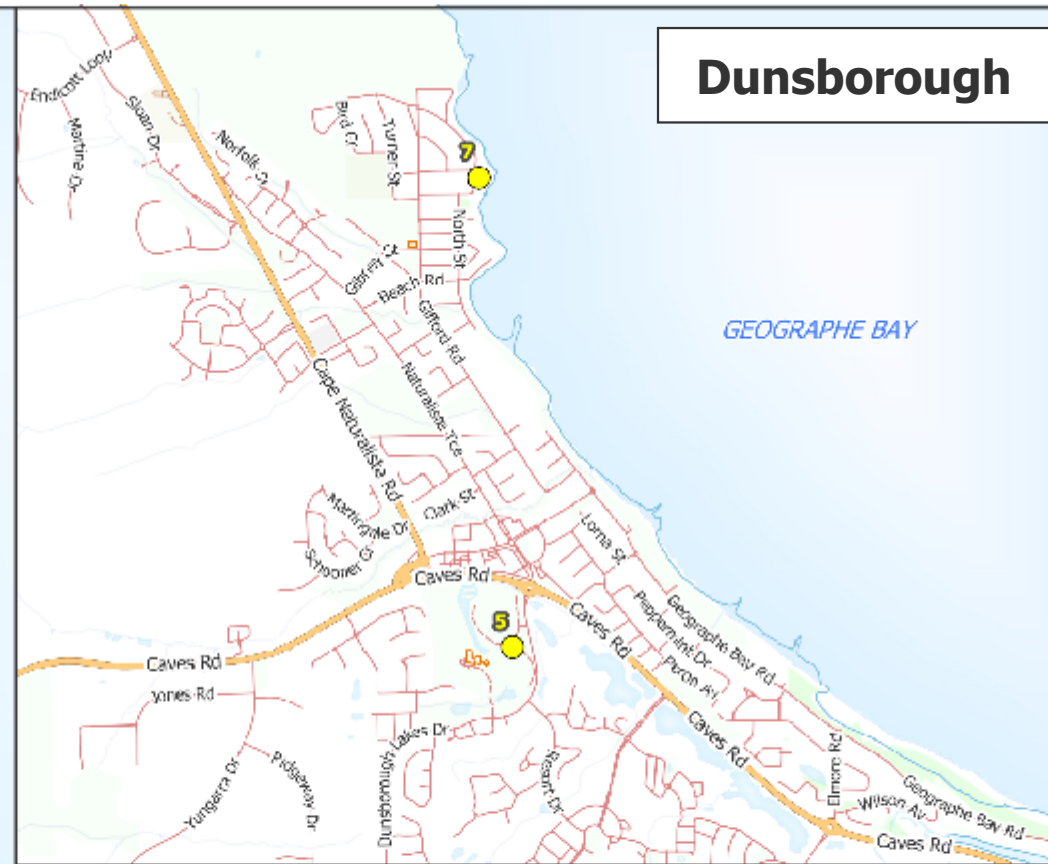
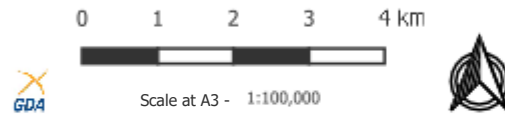


Appendix 1

Mobile Food Vendor

Approved Trading Sites

Mobile Food Vendor Trading Locations



Food Traders

- 1 Abbey Beach Boat Ramp
- 2 Barnard Park West - Car Park Opposite Busselton Skate Park
- 3 Busselton Volunteer Marine Rescue Car Park
- 4 Dolphin Road Boat Ramp Car Park
- 5 Dunsborough Skate Park Car Park

- 6 Meelup Beach Car Park
- 7 Old Dunsborough Boat Ramp Car Park
- 8 Riedle Park Car Park - Eagle Bay
- 9 Rotary Park Car Park
- 10 Yallingup Beach - Slippery Rocks Car Park

Disclaimer
The City of Busselton does not guarantee that this map is without errors and accepts no responsibility for consequences of actions that rely on this map.

Map Produced on 30/8/2021
GIS Section, City of Busselton



Further Enquiries:

Environmental Health Coordinator
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2 Southern Drive
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