Market Sounding

Bail Accommodation Support Program

December 2013
Contact Person

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Market Sounding Response Closing Information

Date: 31 January 2014

Day: Friday

Time: 5.00pm

Location: Department for Correctional Services
Electronic Tender Box
SA Tenders and Contracts website
http://www.tenders.sa.gov.au

Department for Correctional Services
Tender Box
L2, 400 King William Street, Adelaide
(Hand deliver or via post)
Information Session

The Department intends to hold an information session for all interested parties to attend.

**Date:** Wednesday 18 December 2013

**Time:** 4.30pm

**Location:** Level 7, BDO Centre, 420 King William Street, Adelaide

**Name:** Ms Kama Connolly, Project Manager, Strategic Policy, Projects and Partnerships

**Telephone:** (08) 8226 9016

**Email:** kama.connolly2@sa.gov.au

**RSVP:** To the Project Manager by 12 December 2013.
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1. Introduction
The Department for Correctional Services has an exciting opportunity available to support-service providers, developers and or a consortium to provide a 30 bed bail accommodation facility and wrap around support services for low risk alleged offenders. Delivery of this project is required in the 2015/16 financial year.

The market is invited to demonstrate how they would deliver the accommodation or support services. Respondents may elect to provide a joint response highlighting a partnership between accommodation developer/provider and support service.

The primary purpose of this market sounding is to gather feedback and gauge the interest of the market in being involved in this social and criminal justice project. This process also aims to identify:

- Innovative models and service delivery options that have not already been identified.
- A suitable location.
- The capacity to provide the required type and quality of accommodation.
- Potential for integration into larger accommodation projects.
- A series of accommodation models to transition alleged offenders to long term accommodation.
2. Background

The Department for Correctional Services (DCS) plans to establish a 30 bed Bail Accommodation Support Program (BASP) for low risk alleged offenders who lack accommodation in the community.

The Program aims to provide short term accommodation for those suitable, as a condition of their bail, until more permanent accommodation becomes available. The availability of accommodation for alleged offenders appearing before a court can be the determining factor between being remanded in custody or remaining in the community on bail. Although endeavours are often made by alleged offenders and or their legal representation to locate suitable accommodation, there is a lack of bail accommodation in the community. The BASP provides alleged offenders the opportunity to maintain links to family, employment, education and government services whilst awaiting finalisation of their court matter.

It is envisaged that alleged offenders most likely to require bail accommodation are those who are homeless or have unsuitable bail accommodation. Unsuitable accommodation can include unstable accommodation, accommodation that requires home detention residency checks, accommodation that requires installation of a phone line (for electronic monitoring) or accommodation in the vicinity of victims or alleged co-offenders. Both departmental data and anecdotal information highlights the overrepresentation of Aboriginal offenders in bail refusal rates. In some instances this is due to a lack of suitable accommodation therefore Aboriginal offenders are likely to be a key group requiring this accommodation.

3. Preliminary high level requirements

3.1 Location

- Located in the metropolitan area.
- Located near transport links and essential services.
- Accessibility to court precincts (convenient, however not an essential requirement).
- Some consideration should also be given to what this type of accommodation should not be in close proximity to the facility.
3.2 **Accommodation**

- 30 bed capacity in the form of individual independent living units/apartments with basic kitchen and bathroom facilities.
- Service provider space (office / reception area, sleeper accommodation).
- 24 hour access.
- Consideration to be given to a model in which supervision will not be compromised.

3.3 **Wrap around service requirements**

- Act as a liaison between individual service providers, the Department for Correctional Services and the relevant Courts.
- Identify and transition alleged offenders to long term accommodation (this may include public housing, supported accommodation, private rental market or in some cases back to their own home).
- Provide case management.
- Provide a level of 24 hour supervision, seven days per week.
- Present a range of options to achieve service outcomes.

All statutory offender management and supervision responsibilities remain the responsibility of the Department for Correctional Services.

4. **Financial models**

Respondents are advised that a decision surrounding preferred financial and development models has not been made. Dependent upon the approach selected, development models may include:

4.1 **Accommodation (long-term, for example 15 years)**

- Private sector provides land and building with long term lease to the department.
- Private sector builds accommodation however requires land from the Department. Options may include an available portion of currently utilised government land to be gifted or surplus government land to be gifted or to be provided under a long-term ground lease. Department then leases
accommodation at reduced rate to be determined in line with valuation of
gifted land or the long-term lease.

- Private sector provides existing built accommodation, government funds
  refurbishment (if required) with long term lease to the department.
- Other options proposed by the private sector.

4.2 Services

- Department enters agreement with service provider.
- Service providers should consider board payments from program participants
  via a centrepay arrangement

5. Market sounding Process

The Market sounding Process is an opportunity for the Department to engage
with the market and seek feedback on the BASP Project. There is no obligation
for an interested party to respond or be involved in the Market sounding
Process and non-participation will not affect an organisation’s opportunity to
participate in any future procurement stages of the BASP Project.

The Market sounding Process is being conducted in the following stages.

- Registration for the Information Session (attendance optional).
- Completion and submission of the Response.

5.1 Market sounding objectives

- To provide an open and transparent process to engage relevant
  sectors.
- To obtain early feedback and provide the market with an
  opportunity to advise of any obstacles or concerns.
- To gauge the level of market interest.
- To assist in formulating any further stages in the BASP Project.
5.2 Information Session

An Information Session will be held for all prospective Respondents to clarify any questions they may have in relation to this Market Sounding Process. Respondents who wish to attend the Information Session must register via the Registration Form in Appendix 1 which must be submitted to the Contact Person.

Respondents should advise of the name and contact details of their proposed attendee(s) not less than 5 days before the Information Session. A maximum of 3 attendees at the information session per respondent is permitted.

Attendance at the Information Session is not mandatory. Details of the location and time of the Information Session are set out on page 3 of this Document.

5.3 Conditions of Response

5.3.1 Participation in the market sounding

Participation by Respondents in the Market Sounding Process is voluntary. The Market Sounding Process is not part of any procurement or tender process, however, information provided and the outcome of the Market Sounding Process may influence the preferred procurement process considered and/or adopted by the State.

The Market Sounding Process is independent of any procurement process and there is no requirement that an organisation must participate in the Market Sounding Process to be eligible to participate in a possible future procurement process.
Respondents are requested to participate in the Market Sounding by completing the Response to Market Sounding Form in Appendix 2. This information should be submitted electronically via the SA Tenders and Contracts website or via post or hand delivery to the Department for Correctional Services Tender Box, L2 400 King William Street, Adelaide.

5.3.2 Deemed acceptance by respondent

Any Respondent that submits a Response or otherwise participates in the Market Sounding Process is deemed to agree to participate on the basis set out in the conditions outlined in this Document.

5.3.3 Disclaimer

The State, its employees, agents or advisers does not accept any liability or responsibility for the adequacy, accuracy, correctness, suitability or completeness of the information contained in this Document and the Information Session.

The State, its employees, agents or advisers do not make any representation or warranty, express or implied, or assume any duty of care with respect to the information contained in this Document or on which this Document is based or any information which may be provided in association with it whether at the Information Session or otherwise.

The State, its employees, agents or advisers shall not be liable for any loss or damage arising as a result of reliance on, or use of, such information.

Each Respondent agrees and acknowledges that it relies upon its own investigations and enquiries in submitting a Response.

5.3.4 Subsequent stages of the process
Nothing in this Document nor any of the information presented in connection with it should be regarded as a commitment, promise or representation by the State or any other person to proceed with a procurement process or the BASP Project.

The procurement and award process may be modified, terminated or suspended at any time without cost or liability to the State.

**5.3.5 No contract or estoppel**

Neither the Market Sounding Process nor the provision of this Document shall create or give rise to a contract (including a process contract), estoppel against the State, promise, representation or expectation as to any decision of the State concerning the BASP Project any potential procurement process. No contracts, contractual rights, estoppels or expectations, express or implied, shall arise, or be deemed to arise, out of the procedures set out in this Document.

**5.3.6 Enquiries**

All enquiries relating to this Document, or the Market Sounding Process shall be referred as early as possible to the Contact Person and up to 7 days before the Closing Time (“Last Queries Date”).

The State reserves the right to respond or not to respond at its discretion to any enquiry, whether raised before or after the Last Queries Date.

Responses to enquiries will be made available to all Respondents via the Department for Correctional Services website.

**5.3.7 Lodgement**

 Electronically lodge the Response via the SA Tenders and Contracts Electronic Tender Box.
Written Responses sent by prepaid post in time to be delivered in the ordinary course of mail to the place for lodgement by the time stated will be considered.

The State, may at its discretion decline to consider Responses received after the Closing Time.

Responses sent by facsimile or email may not be considered.

**5.3.8 Informal responses**

Any Response, which does not comply with the conditions sets out in this Document may or may not be considered at the Department’s discretion.

**5.3.9 Respondent’s expectations**

The State may consider any Response it receives from a respondent, but gives no representation that it will consider any Response or undertake any course of action as a consequence of receiving and/or considering any Response.

**5.3.10 Reservation of the State’s rights**

The State reserves the right, in its sole and absolute discretion, at any time during the Market Sounding Process to:

a) extend the Closing Time for Responses;
b) allow or require a Respondent to provide additional information or corrected information either before or after the Closing Time, whether or not the same opportunity is given to all Respondents;
c) allow a Respondent to change its submission whether or not the same opportunity is given to all Respondents;
d) make enquiries of any person, company or organisation to ascertain information about the Response, the Respondent and any matter related to the Response;
e) terminate further participation in the Market Sounding Process of any one or more Respondent;

f) change the basis on which Respondents may, or are required to, participate in the Market Sounding Process;

g) either before or after the Closing Time, negotiate with a Respondent or any other person for the provision of any part of the BASP Project requirements and to negotiate with any other Respondent or any other person with respect to the same or other parts of the BASP Project requirements (or discontinue those negotiations) and to enter into one or more contracts for part or parts of the BASP Project;

h) publish the names of one or more Respondents;

i) abandon the Market Sounding Process whether before or after the receipt of Responses;

j) subsequently initiate any other process for the same or similar requirements;

k) pursue public sector delivery of the potential project;

l) at its sole discretion, consider any Response submitted late and/or otherwise than in accordance with this Document.

### 5.3.11 Confidentiality and disclosure

The information contained in this Document and any information provided in connection with this Document is confidential to the State. It may not be disclosed, duplicated or used for any purpose in whole or in part, without the prior written consent of the State.

The State may use or incorporate any feedback, comments or other information provided by a Respondent in connection with the Market Sounding Process in preparing any report or other documentation in connection with the proposal.

The State also reserves the right to disclose some or all of the contents of the Response if required as a consequence of constitutional convention or in order that the relevant Minister may answer questions raised in the South Australian
Parliament, keep Parliament informed or otherwise discharge the Minister’s duties and obligations to Parliament and to advise the Governor, Parliament and/or the South Australian Government.

Any condition in the Response that purports to restrict the State’s right to make such disclosures cannot be accepted.

**5.3.12 Copyright of other intellectual property rights**

Each Respondent must clearly identify any part of its Response which contains information:

a) in respect of which intellectual property rights (including, without limitation, patents, registered designs and copyright) are claimed by the Respondent, whether for itself or on behalf of any person, entity or consortium; and

b) in respect of which the Respondent expects confidentiality to be maintained by the State (such as information in the nature of expertise or commercial-in-confidence information).

An unreasonable claim by a Respondent that all or a substantial part of a Response is the subject of intellectual property rights, or is confidential, may result in the Response not being considered by the State. No claim by a Respondent that specific information is the subject of intellectual property rights or should be kept confidential by the State shall, of itself, be conclusive or binding on the State.

By submitting a Response, each Respondent grants to the State a licence to reproduce (in whole or in part) any part of its Response, regardless of any copyright or other intellectual property right that may exist in its Response.

Despite any intellectual property or other ownership rights which may apply to any Responses, all Responses, including electronic copies, become the property of the State on submission, and will not be returned to Respondents.
The State will be entitled to retain and/or destroy all Responses and all correspondence and other materials received from Respondents. Respondents acknowledge that any agreement by the State to keep any part of a Response confidential is subject to clause 5.3.11 and to the State’s obligations at law, including its obligations under Freedom of Information legislation.

5.3.13 Amendments

The State may, in its absolute discretion amend this Document, the Market Sounding Process or the State’s requirements in respect of the process in any way and at any time and Respondents will be notified of amendments.

5.3.14 Costs borne by the Respondent

Any and all costs incurred by the Respondents in submitting a Response shall be the sole responsibility of that Respondent. In no circumstances will the State be liable to any Respondent whether in contract, tort (including negligence or misrepresentation), under statute (to the extent permitted by law) or otherwise for any costs, losses, expenses, liabilities or damages incurred or suffered by a Respondent in connection with the Market Sounding Process.

No Respondent will have any recourse against the State in relation to the State's decision to not select the Respondent for participation in any future process.

5.3.15 Probity and Publicity

The Respondent’s attention is drawn to the following probity and publicity requirements of the Market Sounding Process:
a) to maintain the confidentiality of the documents and information provided, including answers to questions, whether oral or written;
b) to make inquiries and otherwise liaise only with the Contact Person on matters relating to this Document and the Market Sounding Process;
c) to declare any actual or potential conflict of interest;
d) not to collude with any other Respondent or potential Respondent (other than genuine consultation between members of a consortium);
e) to comply with all laws in force in South Australia applicable to the Market Sounding Process;
f) not to attempt to influence the outcome of the Market Sounding Process by offering any employment, payment or other incentive or in any other way to improperly influence any person employed or engaged by the Department or another government agency;
g) not to make any news releases or responses to media inquiries or questions pertaining to this Market Sounding Process without the approval of the Contact Person.

6. Definitions

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Closing Time</td>
<td>The closing time for this Market Sounding Process being 31 January 2014.</td>
</tr>
<tr>
<td>Contact Person</td>
<td>The person described on page 2 of this Document</td>
</tr>
<tr>
<td>Document</td>
<td>This market sounding document including any annexures</td>
</tr>
<tr>
<td>Information Session</td>
<td>The information session held by the Department described on page 3 of this Document</td>
</tr>
<tr>
<td>Market Sounding Process</td>
<td>The process established in this Document</td>
</tr>
<tr>
<td>Respondent</td>
<td>A Party that submits a response in the Market Sounding Process</td>
</tr>
<tr>
<td>Response</td>
<td>A response submitted to the Market Sounding Process</td>
</tr>
<tr>
<td>The Department</td>
<td>The Department for Correctional Services</td>
</tr>
</tbody>
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7. Schedule of information to be submitted with response

7.1 Respondent details

Provide the details below:
(a) Respondent Name
(b) Proposed role
(c) ABN / ACN
(d) Address
(e) Contact person
(f) Contact person telephone
(g) Contact person email.

7.2 Respondent credentials
Provide the details below:

(a) Experience in providing accommodation facilities and/or services of the type envisaged for the BASP project including relevant examples.
(b) Financial capacity to execute the BASP project and provide long-term services.
(c) Experience in dealing with government and NGO not-for-profit sectors.

7.3 Details of potential development
7.3.1 Provide details of the development opportunity including:
   a) possible location(s).
   b) whether the facility is existing (include refurbishment requirements).
   c) whether the facility is to be built.
   d) whether developer will supply the land or requires identification of land or a long-term ground lease.
7.3.2 Provide details of the development approval if available.
7.3.3 Advise the net lettable area.
7.3.4 Advise the net lettable area/floor.
7.3.5 Advise the gross building area.
7.3.6 Advise the number of levels/floors.
7.3.7 Advise how flexibility will be integrated into the design and construction of the development in order to ensure the Department’s reasonable requirements for change can be incorporated.

7.3.8 Advise details of any existing agreements and/or intent in place with design consultants and/or building contractors for design and construction of the proposed development.

7.3.9 Advise details of any existing agreements and/or intent in place with operations and maintenance contractors.

7.3.10 Advise details of the proposed wrap-around services including proposed staffing types and numbers.

7.3.11 Advise details of any existing agreements and/or intent in place with wrap-around and other relevant service providers.

7.3.12 All other relevant factors.