



# EXPRESSION OF INTEREST

## BLUEWATER SURPLUS GYM EQUIPMENT DISPERSAL

### Information sheet

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#### WHAT IS THE CONDITION OF THE ITEMS BEING OFFERED?

Items are offered free of charge but strictly on an 'as is' basis – Colac Otway Shire Council provides **no representation or warranty** of any kind as to the fitness for purpose for the proposed use, operating condition or potential longevity of the equipment.

Groups are strongly advised to undertake their own assessment of their organisational and financial capacity to take on a piece of equipment before nominating to receive any item, including but not limited to having:

- appropriate capacity and facilities to move, place and operate the equipment, including access to power if necessary
- appropriate personnel to ensure all potential users can operate the equipment safely, including the capacity to provide any necessary induction training or ongoing supervision
- appropriate insurance coverage for holding and operating such equipment
- access to appropriate expertise to service and maintain the equipment, including any associated budget coverage
- capacity to dispose of the item should it become unserviceable.

The equipment list can be viewed via attachment *Equipment List*.

#### WHERE/WHEN CAN I INSPECT THE EQUIPMENT?

It is the responsibility of groups wishing to nominate interest in an item to undertake any physical inspection and other necessary due diligence prior to finalising their nomination.

Colac Otway Shire Council will provide an opportunity for groups to undertake a physical inspection of items at the Gellibrand Street storage facility (across the road from the Council Offices) between 29 August and 1 September 2023 by appointment only.

Representatives wishing to attend will need to register by email to [EcoDev@colacotway.vic.gov.au](mailto:EcoDev@colacotway.vic.gov.au), advising the date and time they wish to come. Entry will be subject to providing suitable photo identification to Council staff. There will be no opportunity to inspect the items outside the above nominated dates. Your registration to attend must be submitted no later than 5.00pm Thursday 24 August.

#### HOW DO I NOMINATE MY INTEREST IN AN ITEM?

Nominations must be submitted by using the nomination form online, by email to [EcoDev@colacotway.vic.gov.au](mailto:EcoDev@colacotway.vic.gov.au) or by hand delivery to COS Customer Assist at 2-6 Rae Street Colac (8.30 am to 5.00 pm) or 100 Great Ocean Road Apollo Bay (9.00 am to 5.00 pm). **Nominations must be received by COS by no later than 5pm on Tuesday 5 September 2023.** Any nominations received after this time will not be considered.



## **ON WHAT BASIS WILL THE ALLOCATION DECISION BE MADE?**

The allocation will be made by Colac Otway Shire Council staff according to the following criteria:

- Priority 1 – multi gender not for profit community/social/sporting clubs (where all genders have equal access to equipment)
- Priority 2 – single gender not for profit community/social/sporting clubs/multi gender clubs with unequal access
- Priority 3 – Should two or more groups from the same category nominate the same item as their first preference, items will be allocated on a first come, first serve basis.

The allocation decision, once taken, will be final. No correspondence will be entered into following the completion of the allocation process.

Only groups based within Colac Otway Shire will be eligible to lodge an expression of interest.

## **WHEN WILL I BE ADVISED OF THE ALLOCATION DECISION?**

The planned date for advising groups of their equipment allocation is Thursday 7 September 2023. Groups will be advised by email to their nominated email contact address.

## **WHAT WILL THE ARRANGEMENTS BE FOR COLLECTING THE ITEMS?**

Collection of items is the responsibility of the nominating group, if awarded an item through the allocation process.

Equipment collection will available be from the Gellibrand Street storage facility, by prior appointment only, between 11 September and 22 September 2023.

**NOTE:** Many of these items are very heavy/bulky. Collection of the equipment is at the collectors risk and it is the responsibility of all groups collecting equipment from the storage area to ensure they have appropriate arrangements in place for safe loading and transport of the items, as well as for safe unloading at their home facilities.

All successful applicants will be required to sign a formal acceptance agreement with Colac Otway Shire Council prior to collecting the equipment. This acceptance agreement will require that the successful applicants release council from all liability in connection with the equipment, including in connection with the pick-up and transport of the equipment. The acceptance agreement will also require successful applicants to indemnify council in relation to any liability to third parties in connection with the equipment.

## **WHO WILL BE RESPONSIBLE FOR MAINTAINING, REPAIRING OR DISPOSING THE ITEMS FOLLOWING HANDOVER?**



The receiving group becomes fully responsible for, and owns the equipment, after pick-up. Any required future assessment, maintenance, repair or disposal will be the responsibility of the receiving group.

### **WILL THIS BE A REGULAR ACTIVITY?**

This Expression of Interest is a one-off activity and Colac Otway Shire Council does not expect any more equipment will become available in the future.

### **COS EXCLUSION OF LIABILITY CLAUSE AND ACCEPTANCE AGREEMENT**

Successful applicants must agree to the following terms and conditions *prior* to collection of any items: The Club acknowledges and agrees that Council makes no representation or warranty as to the condition and/or fitness for purpose of the items donated under this agreement. The Club accepts the donated items in their condition and state of repair at the time of receipt of the items.

The Club acknowledges and agrees that the items donated under this agreement are outside the period of the manufacturer's warranty and that council will not provide any support maintenance or guarantee that support maintenance will be provided by the Manufacturer of the donated items.

The Club agrees to release Council, its officers, employees, agents and contractors (the Council), from all claims resulting from damage, loss, death or injury, in connection with the items donated under this agreement, including in connection with the pick-up and transport of the donated items, which may otherwise be brought or made or claimed by the Club against the Council.

The Club agrees to indemnify and keep indemnified the Council, its officers, employees, agents and contractors from and against all actions, costs, claims, charges, expenses, penalties, demands and damages whatsoever, which may be brought or made or claimed against them, in connection with the donated items, including loss or damage arising from or in connection with the transport of the donated items.

### **HOW DO I GET IN TOUCH IF I HAVE QUESTIONS?**

All enquiries throughout the allocation process should be directed to [EcoDev@colacotway.vic.gov.au](mailto:EcoDev@colacotway.vic.gov.au) in the first instance.