

Expression of Interest
Submission Form
42A Leather Street, Breakwater (Lot 1)

Price Offered:

Other Conditions:

Purchasing Entity:

Contact Name:

Email:

Mobile No:

Postal Address:

Submissions: Return and complete form to
property@barwonwater.vic.gov.au
before **6pm Friday 4th October, 2019**

1. EOI Queries

All queries shall be directed by email to:

Name: Steve Bereza
Agency: NAI Harcourts
Telephone: 0488 020 250
Email: steve.bereza@naiharcourts.com.au

2. Submission and Disclosure of EOI Contents and Information

Submissions are to be made to the vendor, Barwon Water, in accordance with Victorian Government Land Transaction requirements.

The vendor will treat offers as confidential and not disclose contents and information, except:

- a. as required by law; and
- b. to the appointed agent and probity advisor for the purpose of assessment and communication relating to the Kadak Place Subdivision.

3. Date for Close of Submissions

It is the responsibility of the submitter to ensure that EOI submissions are lodged prior to the time for close of submissions. Submissions received after the time for close of submission will not be considered in the initial allocation of lots. EOI submissions will not be assessed before the date and time shown for closing of submissions.

4. No Agreement

These conditions will not form part of the Contract of Sale. No agreement shall exist between the submitter and the vendor until such time as both parties have executed the Contract of Sale.

The vendor is under no obligation to enter into a Contract of Sale with any submitter or any other person or entity.

No representation made by or on behalf of the vendor in relation to the EOI (or its subject matter) will be binding on the vendor unless that representation is expressly incorporated into the contracts ultimately entered into between the vendor and the purchaser.

5. Reservations by the vendor

The vendor reserves the right to without advance notice, without explanation and for any cause whatsoever:

- a. To postpone the EOI process;
- b. To cancel the EOI process;
- c. To change any information in the Request for EOI;
- d. To change the terms and procedures relating to the EOI process;
- e. To terminate negotiations at any time prior to the achievement of any binding agreement for the sale of a property;
- f. Refuse any EOI submission;

- g. Not to accept any EOI submission.

6. Complaints or objections to EOI Process

Any complaint or objection to the EOI process must be submitted to the vendor (property@barwonwater.vic.gov.au). The written complaint statement must set out:

- a. the basis for the complaint (specifying the issues involved);
- b. how the subject of the complaint (and the specific issues) affect the person or organisation making the complaint;
- c. any relevant background information; and
- d. the outcome desired by the person or organisation making the complaint.

Barwon Water has engaged Pitcher Partners as its independent probity advisor.

7. Evaluation of EOIs

- a. All EOI's for property will be treated equally.
- b. Submitters will be advised if any other offers have been made for property. If no other offers have been made for the property, the submitter will be invited to execute a Contract of Sale for the property.
- c. Where two or more submitters have selected the property the following process will be used to allocate the property:
 - i/ Submitters will be invited to submit a Best and Final Offer. The property will be allocated to the submission with the highest offer with contractual terms in accordance with the draft Contract of Sale. (This process may be repeated if subsequent submissions are of equal value).
 - ii/ If submissions cannot be separated via the above process, a random selection will be made under the supervision of the independent probity advisor. Submitters will be invited to attend the random selection event.
- d. The vendor is under no obligation to give all submitters notification that an invitation to execute a contract has been given.
- e. Should no offers (meeting price and condition requirements) be received the lot will be placed on the open market for sale at a set sale price. Sales will be made on the basis of chronological order of offers meeting the sale price.
- f. In case of any doubt on any offer scenario independent probity advice will be sought.