



# Itinerant 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's website:

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

## 2. Application Process

This invitation for Expression of Interest (Eoi) for itinerant food vendors seeks to meet the objectives outlined in the adopted policy '*Non-Exclusive Use of City Land and Facilities*'. This process is applicable to itinerant traders travelling the streets of the district, looking for customers and stopping temporarily only to serve customers then moving on. This Eoi process is run concurrently with the Mobile Food Vendor Fixed Site Eoi process.

Itinerant food vendors registered under the *Food Act 2008* are invited to complete the [Itinerant Food Vendor Application Form](#) and provide a supporting written submission addressing each of the criteria as shown in Section 8 below. Respondents who seek to apply for both the Mobile Food Vendor Eoi and Itinerant Food Vendor Eoi must demonstrate sufficient capability to be able to service these locations with existing or proposed mobile vending assets. Respondents who seek to apply for multiple Itinerant Food Vendor Trading Permits must also demonstrate sufficient capability to be able to service these activities.

At the close of the advertising period, all applications for itinerant trading will be assessed by a panel of City of Busselton Officers from functional areas including Environmental Health, Economic Development and Community Development. Applications will be assessed against the weighted criteria as presented within the application process (see Section 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 100 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 itinerant food vendor to operate within the City of Busselton.

It should be noted that an invitation to express interest is a competitive process and that not all itinerant food vendors applying to trade may be successful.

## 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.
- Itinerant – means a person who travels along a road looking for customers and who sells, hires or provides a product or service from a vehicle which is parked temporarily, to customers who stop the vendor or come to the vendor while the vehicle is so parked.
- 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.

- 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 from:

[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.
- Vendor – means someone who promotes, exchanges or hires good or services for money.
- Respondent – Person or business responding to Expression of Interest.

## 4. Operation of Itinerant Food Traders

Itinerant food vendors operate mobile food vehicles, travelling the roads looking for customers and temporarily stopping at various locations along the streets for only as long as it takes to serve a customer. This activity operates on public land within the City of Busselton and provides a food product largely to residential areas. This type of trading has become a modern tradition within residential areas and is considered to add a unique experience to public/residential locations.

This activity differs from trading in a mobile food vehicle at a specific location, which is currently the subject of the Mobile Food Vendors EoI process. It also differs from trading solely at private locations prearranged or invited by the land occupier to sell food to its occupants, which is not subject to an EoI process however is subject to Itinerant Trader (Various) locations Permit application process.

The City of Busselton will be capping the number of itinerant trading permits to 5 permits. It is perceived 5 permits will adequately address the demand for this nature of activity without considerably impacting the amenity of the area. These permits will be issued for the entire district however excludes trading in town site areas.

The permit will be subject to conditions including but not limited to, restricting trading within 300m of fixed business and approved mobile food vendors that have for sale any goods of the kind being offered for sale by the mobile trader. Itinerant traders will also be prohibited from trading within the Meelup Regional Park and Busselton and Dunsborough CBD.

Given the nature of itinerant trading, travelling the roads looking for customers, traders will need to demonstrate suitability of their vehicle to this activity. Trailers cannot be considered for this activity. Trading times will be restricted in consideration of the amenity of the area. Traders are to consider noise from trading vehicles and equipment, including music.

## 5. Permit and Application Fees

**Application Fee : \$167.00**

### Permit Fee

Itinerant Food Vendors are required to obtain a Trading in Public Places Permit. This permit has an associated fee 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 (road maintenance, car park infrastructure, surrounding parks maintenance, waste/rubbish collection frequency) associated with trading in public places. [Fees and Charges \(2023/2024\)](#)

**Permit Fee \$1,672.00 per annum**

## 6. Term

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

Conditions will require the permit holder to operate 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 itinerant food vendors, registered in accordance with the *Food Act 2008*, to operate within the City of Busselton.

The process will require respondents to submit proposals for the operation of itinerant food vendors by completing the Itinerant Food Vendor Application Form as well as providing a statement addressing each selection criteria outline in Section 8 below. A permit may be offered to respondents based on evaluation of their submission.

Respondents applying for the Mobile Food Vendor Fixed Location EoI process and who are wishing to also apply through this Itinerant EoI process will need to submit separate applications for each EoI. Respondents nominating for both EoI processes must demonstrate they have sufficient capability to service multiple sites/locations with existing or proposed mobile vending assets. Respondents applying for multiple itinerant trading permits must also demonstrate sufficient capacity to undertake the activity.

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:

- Generators and other equipment, including music, must comply with noise regulations and will form part of the approval process.
- Waste from food preparation generated at stopping points and from operators must not rely on City provided public bins (other than for incidental customer use).
- 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.

- Any damage (e.g. liquid spillage/ staining, cracking) to City assets such as grassed areas, roads, pavement, footpaths etc.) will be the responsibility of the vendor to restore/repair and/or clean.
- Proposed times for trading will be specified to limit bearing on the amenity of the area.

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. [Itinerant 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 5 double sided A4 pages (10 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 amenity of the district?	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 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.
6.	Has the business previously operated successfully as an itinerant mobile food vendor 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
B: SERVICE CRITERIA (Weighting = 25%)			
7.	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
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

<b>C: PRODUCT OFFERING (Weighting = 25%)</b>			
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](mailto:city@busselton.wa.gov.au) and subject line should include 'Itinerant Food Vendor EOI'

## 10. Non-Conforming Submissions

Non-conforming/alternate submissions will not be accepted. 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, or before, during or after negotiation with one or more Respondent, choose not to enter into any further negotiation 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 negotiations for the issuing of a Permit, but is in itself not an offer open for acceptance by Respondent by submitting an EOI.

## **Conditions Binding**

EOI's will be deemed to have been made on the basis of and to incorporate (and Respondent / 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 Contract, 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  
2 Southern Drive  
BUSSELTON WA 6280

Telephone: (08) 9781 0444  
Email: [city@busselton.wa.gov.au](mailto:city@busselton.wa.gov.au)  
[www.busselton.wa.gov.au](http://www.busselton.wa.gov.au)

