



Beehive Expressions of Interest Nelson / Marlborough Offering Tender Document

PROCESS UNDER S17ZG(2)(A) OF THE CONSERVATION ACT 1987 TO INVITE TENDER APPLICATIONS FOR BEEHIVE PLACEMENT OPPORTUNITIES ON DEFINED PIECES OF LAND WITHIN THE NELSON / MARLBOROUGH REGION OF NEW ZEALAND, AS CONFIRMED IN THE TABLE OF OPPORTUNITIES AT APPENDIX THREE TO THIS DOCUMENT.

1. Introduction

On 1 September 2015, the Department of Conservation (“the Department”) launched the Beehive Expressions of Interest (“EOI”) Process. The EOI Process will run for a period of one calendar year from 1 September 2015 until 31 August 2016. Through the EOI Process, the Department will undertake a systematic review of all of the Public Conservation Land (“PCL”) in New Zealand against defined environmental, scientific and cultural criteria. PCL in the Nelson / Marlborough Region which is consistent with these criteria is now available for applications as defined in Table of Opportunities at Appendix Three to this document.

1.1 What is being Offered?

The Department is inviting Applicants to submit Applications for any of the Opportunities described in Appendix Three of this document. The Activity offered in these Opportunities is the placement of beehives as per the specifications of each individual Opportunity so defined.

In order to apply for any Opportunity, Applicants must have registered their interest no less than one week prior to the release of any Opportunities for a defined Region. If any person applies for any of the Opportunities offered through this Document, who has not registered through the Approved Process, then their Application will not be accepted.

An Applicant may apply for any number of the defined Opportunities as specified in Schedule Two to this document.

The Department will not accept any Application, whether through this Tender or any other concession process, for any beehive placement opportunities not defined in Appendix Three of this Document.

The Tender Process will allocate only the right to apply for a concession. A full application made under Part 3B of the Conservation Act 1987 will have to be made by the successful Applicant. The fact that this Tender Process is being conducted is in no way to be taken as an indication that a concession will be granted. That decision is one for the Minister to make under Part 3B of the Conservation Act 1987, and is entirely separate from this Process.

There are two separate decisions for the Minister to make:

- Whether to accept any Application as part of this Tender Process; and
- Whether to subsequently grant a Concession to the successful Applicant.

The Minister reserves the right not to accept any Applications, and may decline to grant a concession to any Applicant following consideration under Part 3B of the Conservation Act 1987.

1.2 **Definitions**

In this document, unless the context requires otherwise:

“Applicant(s)” means any Registered Party submitting a Proposal for consideration by the Department as per the terms of the Document and Process.

“Application(s)” means any duly submitted Tender Application for any of the opportunities offered through this Tender process.

“Concession” means a beehive placement licence granted in accordance with Part 3B of the Conservation Act 1987.

“Concession Fee” means the annual activity fee (represented as a monetary fee) an Applicant would pay to use the Land if granted a concession.

“Conditions of Process” means the conditions as set out in this Document relating to the conduct of the Tender Process.

“Department” means the Department of Conservation.

“Document” means this invitation to submit a Tender, the Conditions of Process, the Tender Application Form and Information Sheet and any responses from the Minister.

“EOI Document” means the document released by the Department of Conservation on 1 September 2015 entitled “Staged Process for Allocation of Concessions for Beekeeping on Public Conservation Land” which initiated the Expressions Of Interest Process.

“Information Sheet” means the document at Appendix One to this document.

“Land” means the land described in the Table of Opportunities at Appendix Three to this document.

“Lodgement Fee” Means the fee payable by an Applicant to participate in this Tender Process.

“Management Fee” means a set annual fee intended to cover the Department’s time in administration of a concession, once granted.

“Monitoring Fee” means cost recovery up to a pre-determined maximum price to cover the Department’s time in compliance monitoring of a concession.

“Notice of Amendment” means any notice or communication issued by the Minister or the Department making any amendment to the Documents.

“Offer” has the same meaning as “Application(s).”

“Opportunity(ies)” means any of the defined opportunities contained within Appendix Three of this document, and offered to Registered Parties through this Tender Process.

“Process” has the same meaning as Tender.

“Processing Fees” means the cost recovery fee the Department will charge the successful Applicant of any Opportunity to process their concession application.

“Registered Party(ies)” means any person(s) or legal entity who has registered their interest in beehive placement opportunities within a specific Region through the approved Beehive Expression of Interest Process.

“Tender” means the invitation to apply and the process of selection of a successful Applicant as described in these Documents.

“Tender Form” means the application form at Appendix Two to this document, along with any other information submitted by the Applicant in support of their application through this process.

“Tender Lodgement Fee” means the fee set out at paragraph 5.1 of this Document which must be submitted with any Application under this Tender Process.

“Tender Process” has the same meaning as “Tender”.

“Validity Period” means a period of 20 working days within which the successful Applicant may be invited to apply for a concession.

“Nelson / Marlborough Offering” means the Opportunities offered in Appendix Three of this Document.

2. What does giving effect to the principles of the Treaty of Waitangi mean in this context?

The EOI document included information about the Crown’s Treaty obligations, section 4 of the Conservation Act 1987 and the Treaty of Waitangi principles that

apply generally in the Department’s work. For ease of reference this information is in Appendix Four of this document¹.

This information, as well as the requirements as set out at paragraph 5.6.2 to this document are included to assist Applicants in their understanding of the Department’s duty to give effect to the principles of the Treaty of Waitangi.

In the broad context of the Department’s business the Treaty obligation is expressed in the Intermediate Outcomes and Stretch Goals - (see Statement of Intent 2015-2019²) – as “A living Treaty partnership based on shared values for the benefit of Aotearoa New Zealand” and as “Whānau, hapū and iwi are able to practise their responsibilities as kaitiaki of natural and cultural resources on public conservation lands and waters”.

In the context of the EOI applications DOC has undertaken extensive consultation with iwi and sought information about sites of significance and species within their rohe. Where beehive placement could have an adverse effect on cultural values, these sites have been excluded from this offer as part of giving effect to the principle of active protection.

Exclusion of some sites from this offer does not exhaust the Department’s obligation to give effect to Treaty principles. The Department also needs to understand how Applications will impact on Treaty partners’ interests so that informed decisions can be made about what it is possible to do to actively protect these interests consistent with the overarching objective of promoting conservation. All Applicants are therefore asked to answer questions to assist with this.

3. What is the maximum term of the concession licence?

Concession licences granted as a result of this tender may be for a term of up to ten (10) years.

The term of any concession granted will be determined pursuant to the required statutory processes, and at the discretion of the decision maker. The Nelson / Marlborough Conservation Management Strategy (‘CMS’) limits terms for beehive concessions to three (3) years. This policy creates a strong expectation of the outcome for the term of beehive concessions in the areas managed by the Nelson / Marlborough

¹ (Also refer to <http://www.doc.govt.nz/Documents/about-doc/concessions-and-permits/beekeeping/beekeeping-expression-of-interest.pdf> for the full EOI document.)

² <http://www.doc.govt.nz/Documents/about-doc/role/publications/statement-of-intent-2015-2019.pdf>

CMS. Applicants may request a longer term and reasons for this term being warranted in their Application for the Department to consider.

The term is determined at the sole discretion of the Department, however the Applicant may submit reasoning for a particular term in their Application.

4. What is the planning framework for the Proposal?

4.1 Department of Conservation

Part 3B of the Conservation Act 1987 enables the Minister of Conservation (the Minister) to grant a concession (licence) in respect of a conservation area. Any concession application should comply with any relevant conservation management strategy prepared under the Conservation Act 1987. In this instance, the relevant planning documents are the Nelson / Marlborough Conservation Management Strategy, the Kahurangi National Park Management Plan and the Abel Tasman National Park Management Plan.

4.2 Other Consents

The granting of a concession in no way releases the Applicant from any other statutory consenting processes or requirements, which remain the sole responsibility of the Applicant.

5. Conditions of Proposal

5.1 Lodgement Fee

Applicants must pay a non-refundable lodgement fee with their application to offset the costs of conducting this Tender Process.

The Lodgement Fee is structured as follows:

5.1.1 For the first Application submitted in respect of any Opportunity, the fee is \$500.00 + GST.

5.1.2 For any subsequent Applications submitted in respect of any additional Opportunities, the fee is \$100.00 + GST each.

5.1.3 For the sake of clarity, the Lodgement Fee payable is illustrated as follows:

Bob wants to apply for one opportunity in the Nelson / Marlborough Offering. He submits his application and pays the fee of \$500.00 +GST.

Joe wants to apply for five opportunities in the Nelson / Marlborough Offering. He submits an application for each of the five opportunities he wants to apply for and pays the fee of \$900.00 + GST, being \$500.00 + GST for the

first Opportunity and \$100.00 + GST for each subsequent Opportunity applied for.

PLEASE NOTE: The Lodgement Fee payable in the Nelson/Marlborough Release is separate and additional to any Lodgement Fee paid for any opportunity applied for in the West Coast Release.

5.2 Documents to be confidential

This invitation to submit a Tender, Conditions of Process, the Tender Form and Information Sheet, and any responses from the Minister (the Documents) remain the property of the Minister. Applicants may ask for their Documents to be returned in a reasonable condition within a period of up to two months after the closing date of Process. The Documents are confidential and may not be used other than for the purpose of assessing Applications.

5.3 Applicants to Inform Themselves

Applicants are considered to be fully aware of the conditions relating to this Tender Process and the conditions which would related to the operation of the Concession and to have examined the Documents and any other information supplied in writing.

Applicants are deemed to have satisfied themselves before applying:

- As to the accuracy of the Documents, and
- The correctness and sufficiency of their Tender and of prices stated in their Offer.

5.4 Applicant's Enquiries

Should Applicants have any questions in relation to the Documents, they must be conveyed in writing to:

Arna Litchfield, Senior Permissions Advisor

Department of Conservation

Private Bag 3072

Hamilton 3240

Subject Line: Tender Process – Beehive EOI – Nelson / Marlborough Offerings

OR

Via email to beehiveseoi@doc.govt.nz

Subject Line: Tender Process – Beehive EOI – Nelson / Marlborough Offerings

Inquiries must clearly and concisely set out what matters require clarification and what further information is sought. Questions must be received by 4.00pm, five (5) working days preceding the closing date for Tenders. The answers to all questions will be made in writing to all who have been invited to apply and will subsequently be annexed to, and form part of, the Documents.

5.5 **Amendments to Documents**

Where any amendment to the Documents is considered necessary by the Minister, a Notice of Amendment shall be sent to all Applicants and shall upon issue become part of the Documents.

Where the Minister issues a Notice of Amendment, Applicants have the right to withdraw their Tender, modify it in light of the Notice of Amendment and resubmit their Tender within the time specified in the Notice of Amendment.

5.6. **Tender Criteria**

The Tender Criteria is divided into two sections, each with various components. Applicants must provide all of the requested information. These two criteria are considered with equal weighting, and the ordering of them in this document in no way indicates a degree of importance or preference to that particular criteria.

Applications will be assessed on the basis of whether the information provided is sufficient or not. A failure to provide this information to the required standard will result in an Application being removed from consideration.

- One (refer paragraph 5.6.1 of this document) refers to the Applicant and their ability to uphold the terms of the concession and to undertake the concession activity. Current and previous Concessionaires who have not upheld the terms of their concession document may be disqualified at this stage of the Tender at the discretion and judgement of the Department.
- Two (refer paragraph 5.6.2 of this document) is an assessment of the value to conservation the activity offers. This is an assessment of the highest value payable to the Department for the opportunity offered, the Applicant's ability to uphold cultural values of the Land, to illustrate a guardianship link to the Land, and to support the Department in increasing its knowledge of honeybees and their interactions on Public Conservation Land.

5.6.1 Applicant and Activity Details

There are two decisions to be made in respect of this criteria:

1. Is the Applicant, or proposed sub-licensee, technically competent to undertake the activity to the proposed level; and
2. Is the Applicant, or proposed sub-licensee, suitable, i.e. a fit and proper person to conduct their business on Public Conservation Land.

5.6.1.1 Applicant Information

The Applicant must include the following information:

- the Applicant's company/partnership/individual name
- trading name (if applicable)
- names of all contact persons
- contact addresses – postal and residential
- contact phone/ mobile numbers
- email address
- website address
- names of persons required to sign documents

Applicants who are current concession holders must include the following details:

- Concession number
- Whether **all** concession fees are up to date.

NB: Applicants should note that under this section if current fees are not up to date, their Proposal may be rejected.

5.6.1.2 Activity Details

Applicants must describe how they will undertake the activity on the Land, including but not limited to:

- Hive locations, recorded by way of maps GPS co-ordinates for placement.
- Hive numbers, noting that minimum Concession Fees will be linked to the number of hives permitted under concession licence.
- Details as to how the beehives will be placed and cared for over the duration of the concession.
- Preferred term of the Applicant. Applicants should indicate their preferred term of operation to ensure a fair and sustainable business opportunity, as well as providing clear evidence to support their preferred term.

- Particular attention should be given to demonstrating business practices to mitigate the risk of spread of diseases and pests.

5.6.1.3 Applicant Competence

Applications should include information regarding the Applicant's experience and competence relevant to the Opportunity. That should include location, dates of operation and size and nature of any operation described to demonstrate the Applicant's previous experience and competence.

The standard special conditions for beehive placement concessionaires are attached at Appendix Seven to this document. The Applicant should illustrate how, through their competence and business practices, they will be able to uphold these conditions. Please note this appendix is not an exhaustive list, and further special conditions may be included depending on the particular Opportunity.

If an Applicant intends to request approval to sub-licence the opportunity, they must provide the same information requested above for Applicants in relation to their proposed sub-licensee.

Applicants must provide details of any past convictions and/or proceedings and/or investigations brought against them or their employees under the Conservation Act 1987 and/or the Reserves Act 1977. Please also include information relating to employees' convictions.

Applicants must supply two written references from people able to attest to the suitability of the Applicant to undertake the proposed activities.

5.6.2 Value to Conservation

Value to conservation is a broad concept and includes both cash and non-cash value. It includes activities that contribute to the preservation and protection of Public Conservation Land and species. It also includes the Concession Fee an eventual Concessionaire will pay to the Department to undertake the activity.

5.6.2.1 Concession Fee

This value may be represented in one of three ways:

Dollar Value

This is a straight cash price for the right to undertake the activity. It may be represented as a per hive price, or a base retail and percentage of yield. If submitting on a percentage of yield or other variable method, please support your application with indicative annual yield to assist in assessment of this section.

For the sake of clarity, but not as an indication of a baseline or preferred Concession Fee, an Applicant may submit a Concession Fee as follows:

- \$100.00 per hive, per annum + GST; or
- \$50.00 per hive, per annum + GST plus 15% of the annual yield value.

Conservation Credits

This attributes a cash value to an activity to support conservation on the land the activity is taking place on. Applicants wishing to respond using the concept of 'Conservation Credits' must:

- describe the activity they are to undertake; and
- quantify the value to conservation of undertaking the activity which must be a direct contribution to the management of the land and species.

The Department has a standard value attributed to some activities such as pest control. This is set out at Appendix Five to this document. Any other activity submitted to provide value to conservation must be attributed a measureable dollar value so the Department can fairly evaluate all Applications.

For the sake of clarity, but not as an indication of a baseline or preferred Concession Fee, an Applicant may submit a Concession Fee as follows:

- \$100.00 per hive, per annum + GST, provided by way of \$50.00 per hive, per annum in pest control work and \$50.00 per hive per annum in weed control.

A combination of both Cash Value and Conservation Credits

This is a measureable combination of both options at paragraphs 5.6.2.1 and 5.6.2.2. The precise combination is at the discretion of the Applicant.

For the sake of clarity, but not as an indication of a baseline or preferred Concession Fee, an Applicant may submit a Concession Fee of \$100.00 per hive, per annum + GST, made up of a cash price of \$40.00 per hive, per

annum + GST and \$60.00 per hive per annum + GST attributed to pest control work the Applicant will provide.

Concession Fees submitted for consideration should be relative to comparable activities in the market. The Department reserves the right to decline all Applications in the event no Application represents a fair value to conservation. In accepting a Concession Fee offer the Department must be satisfied that the value proposed by the Applicant is required and necessary to protect and enhance the conservation values of the Land.

Minimum Fee

The successful Applicant will be required through their concession to pay a minimum Concession Fee.

Dollar Value: If the Applicant submits a per hive Concession Fee, the minimum fee will be the total number of hives placed at the proposed rate. For example, if Bob submits an application for placement of 50 hives at a rate of \$100.00 + GST per hive, per annum, the minimum fee payable is \$5,000.00 + GST per annum (calculated at 50 hives x \$100.00 + GST per hive). If Joe submits an application for placement of 50 hives at a price of \$50.00 + GST per hive plus 15% of the annual yield value, They will be required to pay a minimum of \$2,500.00 + GST (calculated as 50 hives x \$50.00 + GST per hive) plus a predetermined minimum yield dollar value (i.e. \$5,000 minimum yield) totalling a minimum fee of \$7,500.00 + GST per annum.

Conservation Credits: If the Applicant submits a value to conservation Concession Fee, the minimum fee will be the total value of the work proposed. For example, if Bob submits an application for placement of 50 hives at a rate of \$100.00 + GST of pest work per hive, per annum, the fee payable is presented in two ways:

- Bob will provide by way of activity return proof of the \$5,000.00 + GST of pest control work per annum (calculated at 50 hives x \$100.00 + GST of pest control work per hive) undertaken.
- If for any reason this work is not undertaken, Bob will pay the equivalent monetary value or part thereof. In this example, he would pay a cash Concession Fee of \$5,000.00 + GST per annum, upon receipt of invoice.

The use of minimum Concession Fees recognises that any concession granted prevents another individual or business from accessing that same opportunity, therefore consideration must be paid for this right.

NB: The Concession Fee relates to the use of the Land only. The Department reserves the right to charge Processing, Management and Monitoring fees as part of the Concession granted to the successful applicant.

Processing, Management and Monitoring fees are likely to be as follows:

Processing Fee: a minimum \$1,540.00 + GST for a standard, non-notified concession. This price represents the Processing Fee for a single Opportunity.

Multiple Opportunities are likely to incur a higher Processing Fee;

Management Fee: \$300.00 + GST per annum; and

Monitoring Fee: to be determined depending on the needs of a particular Opportunity.

5.6.2.2 Kaitiakitanga and Guardianship

As a concessionaire, how would you exercise kaitiakitanga or guardianship over the land?

Will the exercise of kaitiakitanga³ by those whose ancestral land this is be promoted? If so, how (what practical steps)?

Do you have an ancestral connection to this land? How will your business plan support those with an ancestral connection to this region in exercising their role as kaitiaki over the land, if granted a concession? How will you ensure that you carry out this activity in a sustainable way?

Does your whānau/ family/ business have a history of apiculture in this region? How will this history be supported by your business and through the gaining of any concession opportunities? How do you and your family plan to exercise a guardianship role over the land, if granted a concession?

How will you ensure that you carry out your activity in a sustainable way?

5.6.2.3 Mātauranga Māori and Western Science

As a concessionaire, how will both western scientific knowledge and Mātauranga Māori⁴ be protected/promoted/advanced by the proposal?

³ Kaitiakitanga means guardianship, stewardship, trusteeship, trustee.

For example, if you held a concession, would you support local whānau, hapū and iwi to hold wananga regarding native flora and fauna? How would you do this? Would you work with local whānau, hapū and iwi to provide access to cultural materials?

Practically, supporting Mātauranga Māori could involve developing relationship with whānau, hapū and iwi to develop ways to protect Mātauranga Māori, or a contribution towards a Mātauranga Māori research project.

From a Western Science perspective, would you support scientific research using the hives placed via a concession? How would you do this? Is there any particular research or records that you take in the course of running your business that might support the Department in learning more about the interaction of honeybees with native ecosystems to support our evaluation of beehive placement concessions on Public Conservation Land?

5.6.2.4 Other Supporting Information

Applicants may wish to include information about how their Application will contribute value to conservation by describing their history on the land. This could include whether they have a history of apiculture or other activity in this area and how the application would contribute to the preservation and protection of the land, species and values.

Have you engaged with tangata whenua to identify whether your proposal will affect those group's interests in the application area? If so, what was the result of that engagement? Note that if Applicants can demonstrate that they have made a reasonable attempt to provide this information that has been requested their application will be considered in Stage Two of the Tender evaluation (refer to paragraph 7 below).

Applicants' answers to these questions will enable the Department to meet its obligations to give effect to the principles of the Treaty of Waitangi when making decisions under this Tender Process.

⁴ Mātauranga Māori means Māori knowledge - the body of knowledge originating from Māori ancestors, including the Māori world view and perspectives, Māori creativity and cultural practices.

6. Tender Applications

- 6.1 Each Tender must address all of the requirements as set out in paragraph 5.6 above.
- 6.2 Only Applications which are complete and refer to all of the requirements in paragraph 5.6 will be considered.
- 6.3 The original copy of the Application must be signed by a duly authorised officer of the Applicant.
- 6.4 Applications from a partnership or joint venture must include the full names and addresses of all partners or members of the joint venture. If an Application is signed by one person, that person may be asked to provide evidence of authority to act on behalf of the other partners or members.
- 6.5 Subject to this Document, once submitted, Applications shall remain open for acceptance by the Minister for a period of 20 working days from the closing date ("the Validity Period") and shall not be capable of being withdrawn or modified except with the written consent of the Department. The Department reserves the right to extend the Validity Period upon request from the successful Applicant at its discretion.
- 6.6 Conditional Applications will not be accepted. For the sake of clarity, the Request for Proposals is made strictly on the terms presented in this document at paragraph 1.1. No negotiation on the terms will be entered into.
- 6.7 Applications must be accompanied by the Tender Lodgement Fee. Any Tender response received without the Tender Lodgement Fee will **not** be accepted.
- 6.8 The cost of preparing and submitting a Tender response shall be borne by the Applicant.
- 6.9 Subject to paragraphs 12 and 13 of these Conditions of Process and any other lawful requirement, the Minister will not disclose any Tender response submitted, or any correspondence with any Applicant or prospective Applicant, without the prior written consent of that Applicant or prospective Applicant.

7. Process for Consideration of Tender responses

- 7.1 All Applications received will be evaluated to as per the requirements of this Tender.

7.2 **Evaluation Criteria**

The criteria at paragraph 5.6 will be considered with equal weight, and no one criteria has preference over any other.

7.3 All Applications received will be evaluated as set out below.

7.2.1 Stage One

Applications will be checked for three components:

- That they contain all of the information requested in paragraph 5.6 of this Document. This evaluation is to determine the presence of the reburied information, not the quality.
- That the required tender fee is included.
- That they are a Registered Party for the Nelson / Marlborough Region.

If applicants can demonstrate that they have made a reasonable attempt to provide this information that has been requested their application will be considered in Stage Two.

7.2.2 Stage Two

All of the compliant applications will be evaluated to determine how they have met the criteria specified in paragraphs 5.6, more specifically:

- Applicant and Activity Details, made up of
 - Applicant Information;
 - Activity Details; and
 - Applicant Competence.
- Value to Conservation, made up of
 - Concession Fee;
 - Kaitiakitanga and Guardianship;
 - Mātauranga Māori; and
 - Other Supporting Information.

7.2.3 The successful applicant will be the Applicant submitting the Tender response which, in the opinion of the Department, presents the best opportunity to manage and protect the values of the Land, including the cultural values, and which provides a fair market return and/or value to conservation for the activity undertaken on the Land.

7.2.4 Ballot

Where two or more Tender responses receive an equal evaluation, then either:

7.2.4.1 A ballot will be held to determine the successful Applicant; or

7.2.4.2 In the event that there are applications that are on a par and one of the applicants is an iwi of the area (the tangata whenua) to which the application relates, the information provided as per paragraph 5.6.2 may be determinative in selecting the successful Applicant.

8. Reservation of rights

8.1 The Department reserves the right to decline all Applications in the event no Application represents what it considers a fair value to conservation. In accepting an offer the Department must be satisfied that the value proposed by the Applicant is required and necessary to protect and enhance the conservation values of the Land, including cultural values.

9. Closure of Process

Tenders will be accepted at the Tenders Box, Department of Conservation, Hamilton Office, Level 4 73 Rostrevor Street, Private Bag 3072, Hamilton 3240 until 4:00pm on 12 September 2016. Tenders submitted by email will be accepted at the email address beehiveseoi@doc.govt.nz and must be received before 4:00pm on 12 September 2016.

Proposals must be addressed to Arna Lichfield, Senior Permissions Advisor, and marked on the top outside left-hand corner “**Tender Process - Beehive EOI – Nelson / Marlborough Offering.**” Delivered Tenders should be deposited in the Tenders Box, and will not be considered until after 4:00pm on 12 September 2016.

10. Late Tender Policy

Tenders received after 4:00pm on 12 September 2016 will not be accepted.

11. Acceptance of Tender response

11.1 The Minister is not bound to:

- (a) accept the highest or any Tender;
- (b) give any reason to any person for the rejection or otherwise of any Tender;
- (c) complete the Tender Process.

11.2 The Minister reserves the right:

- (a) to reject any Tender;
- (b) to inspect at reasonable times any premises, facilities and equipment of any Applicant as part of the process of assessing the Applicant's ability to meet the Minister's criteria;

- (c) at any time to withdraw the Land or any part of the Land from the Process notwithstanding that Tenders may have been called for and / or received;
- (d) at any time to withdraw the Tenders or again call from Tenderers or consider further applications received in accordance with Part 3B of the Conservation Act 1987.

No Obligation

The Minister has no obligation whatsoever to compensate or indemnify any Applicant for any expenses or loss that the Applicant may incur in the preparation of their Tender. There is no guarantee that any proposal will be accepted and/or any concession granted.

- 11.3 The Minister will give written notice to all Applicants who have submitted bona fide Tenders complying with the Documents of the success or otherwise of their Proposal. Unsuccessful Applicants may be notified of the name of the successful Applicant and range of prices received.

11.4 **Extension of Validity of Proposals**

If no complete concession application has been received within the Validity Period, each Applicant will be notified in writing whether the Tender is still under consideration.

Applicants whose Tender remain under consideration shall then provide written confirmation their proposal is still open for consideration, or may withdraw their Tender.

12. **Official Information Act**

The Applicant acknowledges and accepts that the Minister and the Department may be required to release information in accordance with the Official Information Act 1982.

13. **Privacy Act**

The Minister requires the consent and authority of the Applicant in order to discuss and verify the Applicant's (and individuals') stated relevant experience with all parties associated with that relevant experience. By forwarding the Tender the Applicant waives any claim to confidentiality in relation to the projects listed as relevant experience.

14. No Contract

This Tender Process and Conditions of Process contained in the Documents do not constitute a contract between the Minister and any unsuccessful Applicant and do not give an unsuccessful Applicant any rights or cause of action against the Minister.

No payment shall be made by the Minister to any person for non-acceptance of a Tender or non-completion of the Tender Process.

15. Successful Applicant

The successful Applicant must submit a concession application form within 20 working days of the notification of the outcome of this Tender Process. Further processing under the provisions of Part 3B of the Conservation Act will occur to determine whether a concession should be granted to the applicant. The fact that this Tender Process is being conducted is in no way to be taken as an indication that a concession will be granted. That decision is one for the Minister to make after the Part 3B process has been conducted, and is entirely separate from this Tender Process.

Should the successful Applicant not apply for a concession by the expiry of the 20 working day period, then its status as successful Applicant and the within right to apply for the concession will lapse. If the opportunity to apply for a concession does lapse, then the Department may invite the next successful Applicant (ie, the Applicant who scored second highest for that particular opportunity) to apply for the concession opportunity.

Appendix One

INFORMATION SHEET

1. CLOSING DATE FOR ACCEPTANCE OF PROPOSALS

4:00 PM, 12 September 2016

Delivered to the Department of Conservation, Hamilton Office,
Level 4, 73 Rostrevor Street,
Private bag 3072,
Hamilton 3240

Attention: Arna Litchfield, Senior Permissions Advisor – Beehive EOI – Tender Process –
Nelson / Marlborough Offering

Via Email

beehivesei@doc.govt.nz

Subject Line: Tender Process – Beehive EOI – Nelson / Marlborough Offering

2. DEPARTMENT OF CONSERVATION CONTACT

Arna Litchfield
Senior Permissions Advisor, Hamilton Office
Department of Conservation
Private Bag 3072
Hamilton 3240

Phone (07) 858 1020

Email: beehivesei@doc.govt.nz

3. APPLICATION CHARGES

Lodgement Fee

The Lodgement fee is non-refundable and must be submitted with your Tender application in order for it to be considered.

The Lodgement Fee is structured as follows:

- 3.1 For the first Application submitted in respect of any Opportunity, the fee is \$500.00 + GST.
- 3.2 For any subsequent Applications submitted in respect of any additional Opportunities, the fee is \$100.00 + GST each.
- 3.3 For the sake of clarity, the Lodgement Fee payable is illustrated as follows:

Bob wants to apply for one opportunity in the West Coast Offering. He submits his application and pays the fee of \$500.00 +GST.

Joe wants to apply for five opportunities in the Nelson / Marlborough Offering. He submits an application for each of the five opportunities he wants to apply for and pays the fee of \$900.00 + GST, being \$500.00 + GST for the first Opportunity and \$100.00 + GST for each subsequent Opportunity applied for.

PLEASE NOTE: The Lodgement Fee payable in the Nelson/Marlborough Release is separate and additional to any Lodgement Fee paid for any opportunity applied for in the West Coast Release.

Additional Fees

The Fees below will only be paid by the successful applicants.

Processing Fee: a minimum \$1,540.00 + GST for a standard, non-notified concession. This price represents the Processing Fee for a single Opportunity. Multiple Opportunities are likely to incur a higher Processing Fee;

Management Fee: \$300.00 + GST per annum; and

Monitoring Fee: to be determined depending on the needs of a particular Opportunity.

Appendix Two

Application Form - Tender for the Right to Apply for a Concession Opportunity

PROCESS UNDER S17ZG(2)(A) OF THE CONSERVATION ACT 1987 TO INVITE TENDER APPLICATIONS FOR BEEHIVE PLACEMENT OPPORTUNITIES ON DEFINED PIECES OF LAND WITHIN THE NELSON / MARLBOROUGH REGION OF NEW ZEALAND, AS DEFINED BY THE TABLE OF OPPORTUNITIES AT APPENDIX THREE TO THIS DOCUMENT.

Please complete and return this form.

I (full name) _____

trading as _____

address _____

submit the following information as requested by paragraphs 5.6.1 – 5.6.3 of this Tender Document.

Signed:

Date:

1.1 Information to be included in the Application

5.6. Tender Criteria

The Tender Criteria is divided into two sections, each with various components. Applicants must provide all of the requested information. These two criteria are considered with equal weighting, and the ordering of them in this document in no way indicates a degree of importance or preference to that particular criteria.

Applications will be assessed on the basis of whether the information provided is sufficient or not. A failure to provide this information to the required standard will result in an Application being removed from consideration.

- One (refer paragraph 5.6.1 of this document) refers to the Applicant and their ability to uphold the terms of the concession and to undertake the concession

activity. Current and previous Concessionaires who have not upheld the terms of their concession document may be disqualified at this stage of the Tender at the discretion and judgement of the Department.

- Two (refer paragraph 5.6.2 of this document) is an assessment of the value to conservation the activity offers. This is an assessment of the highest value payable to the Department for the opportunity offered, the Applicant's ability to uphold cultural values of the Land, to illustrate a guardianship link to the Land, and to support the Department in increasing its knowledge of honeybees and their interactions on Public Conservation Land.

5.6.1 Applicant and Activity Details

There are two decisions to be made in respect of this criteria:

3. Is the Applicant, or proposed sub-licensee, technically competent to undertake the activity to the proposed level; and
4. Is the Applicant, or proposed sub-licensee, suitable, i.e. a fit and proper person to conduct their business on Public Conservation Land.

5.6.1.1 Applicant Information

The Applicant must include the following information:

- the Applicant's company/ partnership/ individual name
- trading name (if applicable)
- names of all contact persons
- contact addresses – postal and residential
- contact phone/ mobile numbers
- email address
- website address
- names of persons required to sign documents

Applicants who are current concession holders must include the following details:

- Concession number
- Whether **all** concession fees are up to date.

NB: Applicants should note that under this section if current fees are not up to date, their Proposal may be rejected.

5.6.1.2 Activity Details

Applicants must describe how they will undertake the activity on the Land, including but not limited to:

- Hive locations, recorded by way of maps GPS co-ordinates for placement.
- Hive numbers, noting that minimum Concession Fees will be linked to the number of hives permitted under concession licence.
- Details as to how the beehives will be placed and cared for over the duration of the concession.
- Preferred term of the Applicant. Applicants should indicate their preferred term of operation to ensure a fair and sustainable business opportunity, as well as providing clear evidence to support their preferred term.
- Particular attention should be given to demonstrating business practices to mitigate the risk of spread of diseases and pests.

5.6.1.3 Applicant Competence

Applications should include information regarding the Applicant's experience and competence relevant to the Opportunity. That should include location, dates of operation and size and nature of any operation described to demonstrate the Applicant's previous experience and competence.

The standard special conditions for beehive placement concessionaires are attached at Appendix Seven to this document. The Applicant should illustrate how, through their competence and business practices, they will be able to uphold these conditions. Please note this appendix is not an exhaustive list, and further special conditions may be included depending on the particular Opportunity.

If an Applicant intends to request approval to sub-licence the opportunity, they must provide the same information requested above for Applicants in relation to their proposed sub-licensee.

Applicants must provide details of any past convictions and/or proceedings and/or investigations brought against them or their employees under the Conservation Act 1987 and/or the Reserves Act 1977. Please also include information relating to employees' convictions.

Applicants must supply two written references from people able to attest to the suitability of the Applicant to undertake the proposed activities.

5.6.2 Value to Conservation

Value to conservation is a broad concept and includes both cash and non-cash value. It includes activities that contribute to the preservation and protection of Public Conservation Land and species. It also includes the Concession Fee an eventual Concessionaire will pay to the Department to undertake the activity.

5.6.2.1 Concession Fee

This value may be represented in one of three ways:

Dollar Value

This is a straight cash price for the right to undertake the activity. It may be represented as a per hive price, or a base retail and percentage of yield. If submitting on a percentage of yield or other variable method, please support your application with indicative annual yield to assist in assessment of this section.

For the sake of clarity, but not as an indication of a baseline or preferred Concession Fee, an Applicant may submit a Concession Fee as follows:

- \$100.00 per hive, per annum + GST; or
- \$50.00 per hive, per annum + GST plus 15% of the annual yield value.

Conservation Credits

This attributes a cash value to an activity to support conservation on the land the activity is taking place on. Applicants wishing to respond using the concept of 'Conservation Credits' must:

- describe the activity they are to undertake; and
- quantify the value to conservation of undertaking the activity which must be a direct contribution to the management of the land and species.

The Department has a standard value attributed to some activities such as pest control. This is set out at Appendix Five to this document. Any other activity submitted to provide value to conservation must be attributed a measureable dollar value so the Department can fairly evaluate all Applications.

For the sake of clarity, but not as an indication of a baseline or preferred Concession Fee, an Applicant may submit a Concession Fee as follows:

- \$100.00 per hive, per annum + GST, provided by way of \$50.00 per hive, per annum in pest control work and \$50.00 per hive per annum in weed control.

A combination of both Cash Value and Conservation Credits

This is a measureable combination of both options at paragraphs 5.6.2.1 and 5.6.2.2. The precise combination is at the discretion of the Applicant.

For the sake of clarity, but not as an indication of a baseline or preferred Concession Fee, an Applicant may submit a Concession Fee of \$100.00 per hive, per annum + GST, made up of a cash price of \$40.00 per hive, per annum + GST and \$60.00 per hive per annum + GST attributed to pest control work the Applicant will provide.

Concession Fees submitted for consideration should be relative to comparable activities in the market. The Department reserves the right to decline all Applications in the event no Application represents a fair value to conservation. In accepting a Concession Fee offer the Department must be satisfied that the value proposed by the Applicant is required and necessary to protect and enhance the conservation values of the Land.

Minimum Fee

The successful Applicant will be required through their concession to pay a minimum Concession Fee.

Dollar Value: If the Applicant submits a per hive Concession Fee, the minimum fee will be the total number of hives placed at the proposed rate. For example, if Bob submits an application for placement of 50 hives at a rate of \$100.00 + GST per hive, per annum, the minimum fee payable is \$5,000.00 + GST per annum (calculated at 50 hives x \$100.00 + GST per hive). If Joe submits an application for placement of 50 hives at a price of \$50.00 + GST per hive plus 15% of the annual yield value, They will be required to pay a minimum of \$2,500.00 + GST (calculated as 50 hives x \$50.00 + GST per hive) plus a predetermined minimum yield dollar value (i.e. \$5,000 minimum yield) totalling a minimum fee of \$7,500.00 + GST per annum.

Conservation Credits: If the Applicant submits a value to conservation Concession Fee, the minimum fee will be the total value of the work proposed.

For example, if Bob submits an application for placement of 50 hives at a rate of \$100.00 + GST of pest work per hive, per annum, the fee payable is presented in two ways:

- Bob will provide by way of activity return proof of the \$5,000.00 + GST of pest control work per annum (calculated at 50 hives x \$100.00 + GST of pest control work per hive) undertaken.
- If for any reason this work is not undertaken, Bob will pay the equivalent monetary value or part thereof. In this example, he would pay a cash Concession Fee of \$5,000.00 + GST per annum, upon receipt of invoice.

The use of minimum Concession Fees recognises that any concession granted prevents another individual or business from accessing that same opportunity, therefore consideration must be paid for this right.

NB: The Concession Fee relates to the use of the Land only. The Department reserves the right to charge Processing, Management and Monitoring fees as part of the Concession granted to the successful applicant.

Processing, Management and Monitoring fees are likely to be as follows:

Processing Fee: a minimum \$1,540.00 + GST for a standard, non-notified concession. This price represents the Processing Fee for a single Opportunity.

Multiple Opportunities are likely to incur a higher Processing Fee;

Management Fee: \$300.00 + GST per annum; and

Monitoring Fee: to be determined depending on the needs of a particular Opportunity.

5.6.2.2 Kaitiakitanga and Guardianship

As a concessionaire, how would you exercise kaitiakitanga or guardianship over the land?

Will the exercise of kaitiakitanga⁵ by those whose ancestral land this is be promoted? If so, how (what practical steps)?

Do you have an ancestral connection to this land? How will your business plan support those with an ancestral connection to this region in exercising their role as kaitiaki over the land, if granted a concession? How will you ensure that you carry out this activity in a sustainable way?

⁵ Kaitiakitanga means guardianship, stewardship, trusteeship, trustee.

Does your whānau/ family/ business have a history of apiculture in this region? How will this history be supported by your business and through the gaining of any concession opportunities? How do you and your family plan to exercise a guardianship role over the land, if granted a concession?

How will you ensure that you carry out your activity in a sustainable way?

5.6.2.3 Mātauranga Māori and Western Science

As a concessionaire, how will both western scientific knowledge and Mātauranga Māori⁶ be protected/ promoted/ advanced by the proposal?

For example, if you held a concession, would you support local whānau, hapū and iwi to hold wananga regarding native flora and fauna? How would you do this? Would you work with local whānau, hapū and iwi to provide access to cultural materials?

Practically, supporting Mātauranga Māori could involve developing relationship with whānau, hapū and iwi to develop ways to protect Mātauranga Māori, or a contribution towards a Mātauranga Māori research project.

From a Western Science perspective, would you support scientific research using the hives placed via a concession? How would you do this? Is there any particular research or records that you take in the course of running your business that might support the Department in learning more about the interaction of honeybees with native ecosystems to support our evaluation of beehive placement concessions on Public Conservation Land?

5.6.2.4 Other Supporting Information

Applicants may wish to include information about how their Application will contribute value to conservation by describing their history on the land. This could include whether they have a history of apiculture or other activity in this area and how the application would contribute to the preservation and protection of the land, species and values.

Have you engaged with tangata whenua to identify whether your proposal will affect those group's interests in the application area? If so, what was the result

of that engagement? Note that if Applicants can demonstrate that they have made a reasonable attempt to provide this information that has been requested their application will be considered in Stage Two of the Tender evaluation (refer to paragraph 7 below).

Applicants' answers to these questions will enable the Department to meet its obligations to give effect to the principles of the Treaty of Waitangi when making decisions under this Tender Process.

1.2 Payment of Tender Lodgement Fee

1.2.1 The Lodgement Fee is structured as follows:

1.2.1.1 For the first Application submitted in respect of any Opportunity, the fee is \$500.00 + GST.

1.2.1.2 For any subsequent Applications submitted in respect of any additional Opportunities, the fee is \$100.00 + GST each.

1.2.1.3 For the sake of clarity, the Lodgement Fee payable is illustrated as follows:

Bob wants to apply for one opportunity in the Nelson / Marlborough Offering. He submits his application and pays the fee of \$500.00 + GST.

Joe wants to apply for five opportunities in the Nelson / Marlborough Offering. He submits an application for each of the five opportunities he wants to apply for and pays the fee of \$900.00 + GST, being \$500.00 + GST for the first Opportunity and \$100.00 + GST for each subsequent Opportunity applied for.

PLEASE NOTE: The Lodgement Fee payable in the Nelson/Marlborough Release is separate and additional to any Lodgement Fee paid for any opportunity applied for in the West Coast Release.

1.2.2 The Tender Lodgement Fee may be submitted by either of the following means:

1.2.2.1 By way of cheque made out to the Department of Conservation and submitted with the Application.

1.2.2.2 By way of internet bank transfer as per the following details:

Department of Conservation

Westpac 03 0049 0002808 00

Reference: EOI – Nelson / Marlborough Offering

Proof of transfer must be included with the Application.

⁶ Mātauranga Māori means Māori knowledge - the body of knowledge originating from Māori ancestors, including the Māori

Appendix Three**Table of Opportunities**

Opportunity Number	Location	Size	Maximum Hive Number
NM-01	Conservation Area – Otuwhero Valley Road, Fry Scenic Reserve, Brooklyn Scenic Reserve, Kahurangi National Park, East Takaka Scenic Reserve (adj. Rameka Track), Abel Tasman National Park	1,313 ha (apx)	437 hives
NM-02	Conservation Area - Matakītaki River Headwaters, Conservation Area – Lyell, Conservation Area – Burnbrae, Conservation Area - Maruia River, Conservation Area - Four Rivers Plain, Four Rivers Scenic Reserve, Matakītaki South Conservation Area, Tutaki West Conservation Area, Warbeck Scenic Reserve, Conservation Area - Riverbed Buller River, Longford Scenic Reserve, Conservation Area - Glenroy Road Murchison, Conservation Area - Maruia Saddle Road, Conservation Land Ruffe Creek, Shenandoah, Conservation Area - Shenandoah Saddle, Conservation Area - Doughboy Road, Conservation Area - Higgins Bluff Maruia, Conservation Area – Murchison, Sphinx Scenic Reserve, Victoria Forest Park, Matakītaki West Conservation Area	39,193 ha (apx)	13,046 hives
NM-03	Conservation Area - Shedwood Bush, Conservation Area - Blue Rock Creek, Conservation Area - Drummonds Road Baton River, Slippery Creek Conservation Area, Pretty Bridge Conservation Area, Scenic Reserve - Skeet River Wangapeka, Kaka Scenic Reserve, Spooners Range Scenic Reserve, Big Bush Conservation Area, Conservation Area – Tadmor	4,069 ha (apx)	1,356 hives
NM-04	Conservation Area – Glenhope, Scenic Reserve - Gowan River, Tutaki North Conservation Area, Howard Conservation Area, Tutaki East Conservation Area, Matiri Scenic Reserve, Conservation Area - Owen Valley East Road, Conservation Area - Braeburn Track, Glenhope Scenic Reserve, Owen River Scenic Reserve	29,949 ha (apx)	9,983 hives
NM-05	Conservation Area - Blue Glen Creek, Conservation Area - Eighty Eight Valley Road, Six Mile Scenic Reserve, Conservation Area - Korere-Tophouse Road, Conservation Area - Blue Glen Creek, Mount Richmond Forest Park, Marginal Strip - Ward Pass Stream, Conservation Area - Flaxmill Creek, Boundary Creek Scenic Reserve, Mount Richmond Forest Park	33,469 ha (apx)	11,156 hives
NM-06	Leatham Conservation Area, Conservation Area - Rainbow Run, Conservation Land - Compensation Run, Rainbow Conservation Area	32,956 ha (apx)	10,985 hives
NM-07	Conservation Area - Cape Soucis, Whangamoa Scenic Reserve, Iwituaroa Scenic Reserve, Kaiuma Bay Scenic Reserve, Kenepuru Sound Scenic Reserve, Four Fathom Bay Recreation Reserve, Yncyca Bay Scenic Reserve, Nydia Bay Scenic Reserve, Tinline Scenic Reserve, Conservation Area – Tinline, Scenic Reserve – Tinline, Scenic Reserve - Kaiuma Saddle, Paradise Bay Scenic Reserve, Mount Richmond Forest Park	21,732 ha (apx)	7,244 hives
NM-08	Mount Richmond Forest Park	12,779 ha (apx)	4,260 hives

NM-09	Mount Freeth Scenic Reserve, Wedge Point Scenic Reserve, Ngakuta Bay Scenic Reserve, Conservation Area - Waikakaho Walkway, Mount Freeth Scenic Reserve, Mount Richmond Forest Park, Whenuanui Scenic Reserve	8,262 ha (apx)	2,754 hives
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Appendix Four

Principles of the Treaty of Waitangi generally applicable to the Department of Conservation's work

Treaty of Waitangi and the Department of Conservation's Section 4 Obligations

DOC is committed to working with whānau, hapū and iwi within their rohe for effective management of conservation. DOC will engage with whānau, hapū and iwi to ensure that we understand their perspective and views in regards to management of Public Conservation Land for all New Zealanders.

The relationship is governed by section 4 of the Conservation Act, which states as follows:

“4 Act to give effect to Treaty of Waitangi

This Act shall so be interpreted and administered as to give effect to the principles of the Treaty of Waitangi.”

Principles of the Treaty of Waitangi

Any process under conservation legislation must be done in accordance with s4 Conservation Act 1987. This will include an assessment of cultural effects and consideration of the views of whānau, hapū and iwi of the area. The Department of Conservation will use this process to undertake engagement with iwi including identifying cultural values at each location.

The principles that apply generally in DOC's work are:

Partnership – mutual good faith and reasonableness

The Crown and Māori must act towards each other reasonably and in good faith. These mutual duties of reasonableness and good faith describe the nature of the relationship between the Crown and Māori. They are the core of what has been described as the Treaty partnership. This principle is about how the Crown should behave to Māori and Māori to the Crown.

Informed decision-making

Both the Crown and Māori need to be well informed of the other's interests and views. When exercising the right to govern, Crown decision makers need to be fully informed. For Māori, full information needs to be provided in order to contribute to the decision-making process. This is connected closely to the principles of good faith and active protection. Consultation is a means to achieve informed decision-making.

Active protection

The Crown must actively protect Māori interests retained under the Treaty as part of the promises made in the Treaty for the right to govern. This includes the promise to protect tino rangatiratanga and taonga. Active protection requires informed decision-making and judgement as to what is reasonable in the circumstances.

Redress and reconciliation

The Treaty relationship should include processes to address differences of view between the Crown and Māori. The Crown must preserve capacity to provide redress for proven grievances from not upholding the promises made in the Treaty. Māori and the Crown should demonstrate reconciliation as grievances are addressed.

What this means in practice

The Department of Conservation will undertake consultation with iwi when PCL within their rohe is being considered for a concession allocation opportunity. The aim of consultation is to identify any cultural values that may be affected by this activity being undertaken. Where cultural values are identified, the Department of Conservation will work with iwi to identify ways these effects can be appropriately avoided, remedied or mitigated. This may result in, for instance, protection of cultural values being identified through assessment criteria for any allocation opportunity, or through the inclusion of special conditions in any eventual concession.

The assessment of opportunities undertaken in accordance with the terms of the Conservation Act is “effects based”. Effects can be, for instance, environmental, cultural or recreational. In regard to the giving effect to the principles of the Treaty this may mean avoiding, remedying or mitigating the effects on cultural values associated to specific sites and species of flora and fauna affected by the activity. For example, hives may not be placed on wāhi tapu sites.

Treaty of Waitangi settlements are ongoing processes. In some areas, settlement has been undertaken and land may have transferred to local iwi, or there may be legislative requirements that the Department of Conservation now needs to uphold and consider. In others, settlement may be in process, therefore the Department of Conservation may offer a lesser concessions term in anticipation of settlement.

Appendix Five**Examples of Value to Conservation Fees**

Adjustment type	Calculation	Conditions*
Weed control credit	Up to 80% of estimated value of work provided, as determined by Decision Maker. No fixed per hectare rate applied here as multiple considerations make this a non-formulaic equation, e.g. density of weed, by total area, by location within total land area.	Must be aligned to Department's conservation plan.
Tree planting credit	\$2.50 per tree, variety that is at least 3 meters tall at maturity. \$1.50 per smaller plant, variety that is smaller than 3 meters at maturity.	Must be aligned to Department's conservation plan.
Repairs and Maintenance credit e.g. structures, tracks etc	\$20 per hour of maintenance.	Must be aligned to Department's maintenance plan and objectives.
Construction credit e.g. shelters, bridge etc	\$50 per hour of construction. Materials charged to department at cost.	Must be aligned to Department's maintenance plan and objectives.
Conservation credit	Up to the total dollar value, as determined by decision maker.	Conservation benefit must be clearly demonstrated.

Appendix Six
Concession Application Form

Appendix Seven

Standard Special Conditions for Beehive Placement Concessions

1. Concessionaire Responsibilities

- 1.1 The Concessionaire must provide the Grantor with the Activity Fee (Schedule One, clause 6) the following information:
 - (a) site name/number (as per schedule 5) and the number of hives located per site;
 - (b) yield quantity and honey type per site; and
 - (c) the term of location for each hive.
- 1.2 At all times, the Concessionaire or its employees and/or agents must carry fire extinguishers in all vehicles used to service the hives.
- 1.3 The Concessionaire shall not light any fire other than with a regulation smoker. No smoker shall be emptied on the Land and in the event of the Prohibited Fire Season, no smoker shall be used at all.
- 1.4 The Concessionaire and its employees/agents are not permitted to carry chainsaws on to the Land.
- 1.5 Cooperate with the Grantor to undertake productivity and chronology study of the hive cycle, should it be considered necessary for the purpose of climate change monitoring.

2. Biosecurity

- 2.1 The Concessionaire must take all precautions to not transfer unwanted organisms (in particular soil borne organisms such as fungi and weed seeds, invertebrates as listed under the Biosecurity Act 1993 in the carrying out of their services, by complying with the following:
 - a. All vehicles must be free from all unwanted organisms, with special attention given to wheeled or tracked machinery, vehicles and ATVs.
 - b. Methods and protocols for preventing unwanted organisms from entering or attaching themselves to the vehicles must be in place.
 - c. The Concessionaire must ensure that all personal gear, boots and clothing worn on site by contract staff has been checked and is free of all dirt, debris and unwanted organisms, with checks undertaken at the beginning and end of each work session at a given site.

2.2 Those knowingly spreading an unwanted organism are liable under the Biosecurity Act 1993.

3. Risk

3.1 The Concessionaire undertakes the Concession Activity at its own risk and the Grantor accepts no responsibility for damage or loss whatsoever, including vandalism to the beehives.

4. Placement of and Access to hives

4.1 Placement of hives via helicopter is not permitted unless prior approval is granted by the Grantor in the form of a concession.

4.2 Any machinery work required by the Concessionaire for any reasoning, including but not limited to, access and track maintenance is to be presented in writing to the Grantor prior to the work being carried out.

4.3 Should the Grantor in its sole discretion consent to the works, they are to be carried out on terms acceptable to the Grantor.

4.4 Hives must be placed no less than 50 metres away from any road or track and shall leave a screen of vegetation where appropriate between the road or track and hives.

4.5 Beehives must not be placed within 100 metres of a building, bridge, structure, dam or any facility used by the public or staff of the Department of Conservation.

4.6 This concession does not:

- a. authorise the Concessionaire to carry out the concession activity on private land adjacent to the Land;
- b. give or imply preferential allocation of any access or facilities to the Concessionaire; and
- c. authorise the Concessionaire to clear new beehive sites (where they are not already naturally cleared prior to the commencement of this activity).
- d. Authorise the Concessionaire to construct new roads for the purpose of siting/accessing beehives. If the Concessionaire wishes to upgrade any existing roads, the Concessionaire must obtain the prior consent of the Grantor. All such upgrades are to be paid in full by the Concessionaire.

5. Review of hive sites

- 5.1 The Grantor reserves the right to undertake annual inspections of the hives sites to determine whether the condition of each site meets the standards set by the Grantor.
- 5.2. Should any remedial works be required, they are to be undertaken by the Concessionaire within 60 days of receiving written notice of the requirement. The work is to be undertaken to the satisfaction of the Grantor, with all costs being the responsibility of the Concessionaire.
- 5.3 That where the Grantor considers there is evidence of an adverse effect on native plants or animals, the natural and scientific values of the site, or public access and enjoyment, due to the Concession Activity, the Grantor may terminate, in whole or in part, or vary this Concession in order to reduce hive numbers, and the Concessionaire must immediately remove the hives from the Land at the Concessionaire's expense.
- 5.4 If the Grantor receive a complaint concerning the Concessionaire's activities on the Land, (whether made by a member of the public or by staff of the Department of Conservation), and the Grantor considers the complaint is justified, the Concessionaire shall relocate offending hives within two (2) weeks of receiving written notification of the problem.
- 5.5 In the event the Grantor requires the Concessionaire to remove any or all hives from any permitted site at anytime during the course of this Concession, the Grantor is in no way liable to compensate the Concessionaire for any loss of income or costs incurred in such removal, nor is the Grantor required to find alternative sites for the Concessionaire on any Public Conservation Land.

6. Hive Standards

- 6.1 The number of hives is restricted to no more than xx (to be determined according to each particular application) hives per site.
- 6.2 Hive must be registered as per the National Beekeepers Association of New Zealand guidelines.
- 6.3 All hives must clearly labelled with the name of the hive owner's registration number.
- 6.4 All hives must be treated to destroy Varroa mites before hives are transported onto the Land.

