

GIBRALTAR GOVERNMENT
COMMERCIAL UNITS AT CHATHAM COUNTERGUARD
CONDITIONS OF TENDER

The Government is inviting applications for the grant of leases over commercial premises at the recently refurbished Chatham Counterguard.

THE PROPERTY

The Government has recently refurbished the vaults along the western side of the newly opened link road between Reclamation Road and the Public Market.

There are 5 vaults of approximately 60m² and 1 vault of approximately 87 m². There is potential to combine 2 of the units into 1 interconnected larger unit.

Units will be available for fitting out and operation upon award of the tender.

THE TENDER

1. Tenders are invited on a premium basis for the grant of a five year lease, on a rental of £100 per square meter per annum fixed for 3 years; and thereafter the rent reviewed to market level, for one or more of the available units at Chatham Counterguard. The units are being allocated in an as built condition, each applicant may view by appointment as detailed in paragraph 19 below. The successful applicant is required to undertake all works necessary to carry out the business activity envisaged. The tenderer shall submit with his tender a detailed specification of the proposed fitting out and furnishing of the unit where required. The quality of these specifications and information submitted will weigh heavily in the adjudication of the tender and all tenderers are strongly advised to develop and submit these specifications with as much detail as possible to assist the Government in its consideration of bids.

2. The tenderer shall specify the total itemized cost of setting up the proposed business activity.
3. The tenderer shall submit with his tender detailed specification, plans and a schedule specifying his programme of works for fitting out and furnishing the unit with dates for commencement.
4. The tenderer shall be deemed to have visited the units and carried out all necessary surveys, investigations and inspections and have collected all information required for tendering purposes.
5. The tenderer shall provide full details of the nature of the business to be carried out in the premises. In the case of retail business full details of the nature of goods to be sold must be provided.
6. The cost of any works required to be carried out by utility agencies or companies as a result of an application for a connection (including the production of wiring diagrams and test certificates) shall be to the account of the tenderer.
7. The tenderer shall obtain all licences, consents, permits and approvals necessary to fit out and furnish the unit, and for the subsequent running and operation of the business established, including but not limited to any necessary Trade Licenses.
8. The tenderer shall be considered to have become familiar with all laws and regulations that may affect his activities on the premises.
9. The tenderer shall be either:-
 - (i) British Subjects; or
 - (ii) National/s of a Member State of the European Economic Area who have valid residence permits issued under Part IX of the Immigration Control Act, or who have the right of establishment in Gibraltar and who have exercised or intend to exercise that right;
 - (iii) Companies incorporated under the provisions of the Companies

Act of Gibraltar; or

- (iv) Companies incorporated under the Laws of the Member States of the European Economic Area and which have a right of establishment in Gibraltar and have exercised that right.
10. The tenderer shall provide, contemporaneously with the submission of his tender, information satisfactory to the Government of Gibraltar of his financial capability to carry out the works and set up the business in conformity with these conditions.
 11. The units and any included items are believed and shall be taken to be correctly described as to quantity and otherwise. Any error, omission or misstatement found in the Conditions of Tender and associated documentation shall not entitle a tenderer to any compensation in respect thereof.
 12. The Government of Gibraltar or any of its wholly owned companies and/or agent shall not be responsible nor pay any expense or loss, which may be incurred by a tenderer in the preparation of his tender.
 13. Successful tenderers will receive an Agreement to Lease and on completion of the fitting out of the unit a 5 year standard Commercial Lease, drafts of which are provided with these tender conditions.
 14. Further conditions of tender are contained in the Draft Agreement to Lease and Lease annexed hereto which provisions shall be deemed to be incorporated in these Conditions of Tender.
 15. Units will therefore be leased as ordinary business tenancies but with strict user restriction and non-assignability and subletting clauses.
 16. Units will only be able to be used for retail of goods, foods and services but may not be used as stores.

17. The tenderer(s) will be required to give their consent to the Royal Gibraltar Police (RGP) to release details of any convictions, if the RGP are requested to do so by the Government or any authorised company or agency.

18. The tender documents comprise the following:
 - (1) These "Terms & Conditions" document setting out details of the scheme and of the terms and conditions of tender.
 - (2) The attached plan showing the location, approximate dimensions and identification number of each Unit.
 - (3) The attached application form.
 - (4) The attached Draft of the Lease.

19. Units are available for viewing through the Government's Asset Sales Unit , Gibraltar Residential Properties Ltd, 40 Town Range, Gibraltar on telephone 200 72572, fax 200 72551.

Completed tenders clearly marked "Tender for Vaults at Chatham Counterguard", must be placed in a sealed envelope addressed to the Government of Gibraltar, and placed in the tender box at No 6 Convent Place not later than 12 noon on Friday 5th November 2010.

Tenders will remain sealed until opened, after the time and date stated above.

Tenders delivered after the specified time and date will not be considered.

The Government does not bind itself to accept the highest or any tender and may accept any tender in part.