

Licence/Lease Checklist

A licence/lease should be used when:

- the length of the community use arrangement is for a period exceeding 12 months (not-for-profit and for-profit)

OR

- the community use arrangement is a commercial venture (regardless of time frame).
- the use of the space is:
 - licence – when the operator’s use is not exclusive (some licences may entail exclusive use) or
 - lease – when the operator has exclusive use.

Legal Services Directorate will determine whether a lease or licence is appropriate.

The local Asset Management Unit to be contacted when first contemplating a licence or lease. This also includes when a proposed user seeks to supply their own building on the Department’s land.

This checklist **does not** cover:

- uses that have a duration of 12 months or under and are not a commercial venture
- community partnerships for the development and upgrade of facilities
- use of school facilities for children’s services.

When terminating an application, advise the Director, Public Schools NSW.

See **section 5.5** of the Community Use of School Facilities procedures for further information.

STAGE 1 INITIAL INVESTIGATION

Step	Action	Procedure Reference	Guide for the Selection of Community Users	Responsibility	Yes	No
1	Types of Uses: Is the proposed use					
	<ul style="list-style-type: none"> an appropriate use? 	2.1		Principal	Yes	No
	<ul style="list-style-type: none"> of benefit to the community? 	2.2		Principal	Yes	No
	<ul style="list-style-type: none"> an prohibited use? 	2.5		Principal	Yes	No
					Terminate application. Advise in writing.	
2	Types of Uses: Have you determined the type of applicant?			Principal		
	<ul style="list-style-type: none"> school based parent operated service 	3.2		Principal	Yes	No
	<ul style="list-style-type: none"> not-for-profit organisation (is it also a charity?) 	3.3		Principal	Yes	No
	<ul style="list-style-type: none"> a commercial organisation 	3.4		Principal	Yes	No
	<ul style="list-style-type: none"> a Government organisation 	3.3		Principal	Yes	No
	<ul style="list-style-type: none"> an individual 	3		Principal	Yes	No
	<ul style="list-style-type: none"> is the applicant a Prohibited Organisation? 	3.3		Principal	Yes	No
					Terminate application. Advise in writing.	

STAGE 1 INITIAL INVESTIGATION

Step	Action	Procedure Reference	Guide for the Selection of Community Users		Responsibility	Yes	No
3	Has the Director, Public Schools NSW given support?	5.4.3			Principal	Yes	No Terminate application. Advise in writing.
4	Contact Local Asset Management Unit (AMU) with information gathered	5.4			Principal	Yes	No
5	Potential Space: Has an assessment of the proposed space been made?	5.5.2 8	1.4				
	<ul style="list-style-type: none"> has floor area of proposed space been calculated from AMS Web? 		1.4		AMU	Yes	No
	<ul style="list-style-type: none"> has the maximum occupancy for the space been calculated? 		1.4		AMU	Yes	No
	<ul style="list-style-type: none"> has AMU been consulted to see if the accommodation suitable e.g. compliance with relevant standards for proposed use, access to toilets, safe and secure 	8			Principal	Yes	No Terminate application. Advise in writing.
	<ul style="list-style-type: none"> has WHS been consulted to provide advice on the facility? 	2.5			Principal	Yes	No
	<ul style="list-style-type: none"> has AMU been consulted to see if proposed use may conflict with future enrolment/ use/ development/ maintenance at the school? 	5.5.2			Principal/AMU	Yes	No
	<ul style="list-style-type: none"> will Authority consent be required? 	7.4			AMU	Yes	No
	<ul style="list-style-type: none"> will there be any significant impact on the operation of any other groups? 	3.7			Principal	Yes	No Terminate application. Advise in writing.
	<ul style="list-style-type: none"> has a risk assessment been undertaken? 	2.5 8.1			AMU with assistance from WHS	Yes	No

STAGE 2 IDENTIFYING NEEDS AND DEMAND

6	Have consultation/surveys been undertaken? Consult with P&C and school community	9			Principal	Yes	No
	<ul style="list-style-type: none"> do the principal and stakeholders agree to proceed with Community Use of the facility? 	9			Principal	Yes	No Terminate application. Advise in writing.
	<ul style="list-style-type: none"> does the principal consider that the application has merit? 	5.5.1 9			Principal	Yes	No Inform AMU of consultation results. Terminate application. Advise in writing.
7	Revenue forecast:						
	<ul style="list-style-type: none"> has the market rate of similar facilities in the community been investigated to gauge expected revenue? 	10	2.2		Principal	Yes	No
8	Statement of requirement						
	<ul style="list-style-type: none"> have the principal and stakeholders developed Statement of Requirement (scope) for the proposed use? 		2.3		Principal	Yes	No
9	Agreement on implementation timeline:						
	<ul style="list-style-type: none"> have the principal and stakeholders developed an agreed implementation time frame? 		2.4		Principal	Yes	No

STAGE 3 PROCUREMENT PROCESS

Step	Action	Procedure Reference	Guide for the Selection of Community Users	Responsibility	Yes		No	
					Yes	No	Yes	No
10	Request for Tender Documents <ul style="list-style-type: none"> have all parts of the RFT documents been prepared and reviewed? 		3.1	Principal	Yes	No		
11	Evaluation Criteria <ul style="list-style-type: none"> has non-price and price evaluation criteria been determined? has overall weighting of price: non price been determined? 		3.2	Principal	Yes	No		
12	Tender Advertisement <ul style="list-style-type: none"> has the local AMU been contacted to advertise tender through e-tendering? is advertised title of the proposed service compliant? 		3.3	Principal	Yes	No		
13	Managing Tender Process <ul style="list-style-type: none"> have any queries/ clarification during tender been responded to by issue of Addendum as required? 		3.4	Principal	Yes	No		
14	Tender Evaluation Team (TET) <ul style="list-style-type: none"> has Tender Evaluation Team been organised before tender opening? have all members or any other participant in the tender process signed Code of Conduct document? 		3.5	Principal	Yes	No		
15	Tender Evaluation Plan (TEP) <ul style="list-style-type: none"> are the Evaluation Criteria consistent with Request for Tender (RFT) documents? has TEP been prepared and signed by all TET members? has AMU approved TEP? 		3.6	Principal/TET	Yes	No		
16	Tender Evaluation Report <ul style="list-style-type: none"> have any non-compliant submission been clarified or set aside? has each submission been assessed and scored against Tender Evaluation Plan (TEP)? as a result of the assessment, has a definitive tender submission been identified and report completed accordingly? 		3.7	Principal/TET	Yes	No		
17	Contract Award and Execution of Agreement <ul style="list-style-type: none"> have Working With Children Checks and/or Child Protection Declaration for child related services/ or involving children been submitted and approved? (if required) does the person signing the contract have the authority to do so? has the document been forwarded to Asset Management Directorate for signing and filing? 	2.4		Principal/AMU	Yes	No		
			3.8	AMU	Yes	No		
			3.8	AMU	Yes	No		

STAGE 3 PROCUREMENT PROCESS

Step	Action	Procedure Reference	Guide for the Selection of Community Users	Responsibility	Yes	No
18	During the lease/licence period:					
	<ul style="list-style-type: none"> ▪ have clear lines of communication been established between contractor and school? 	5		Principal	Yes	No
	<ul style="list-style-type: none"> ▪ has a Security Deposit as per agreement been collected? 	10.4		Principal	Yes	No
	<ul style="list-style-type: none"> ▪ when required, have unsuccessful tenders been debriefed? 		4.1	Principal	Yes	No
	<ul style="list-style-type: none"> ▪ has a copy of the agreement been filed? 	5.3	4.2	Principal	Yes	No
	<ul style="list-style-type: none"> ▪ have current copies of insurance, licence and registration as required been submitted and filed? 	5.3	4.2	Principal	Yes	No
	<ul style="list-style-type: none"> ▪ have any complaints received been dealt with or escalated appropriately? 		4.3	Principal	Yes	No
	<ul style="list-style-type: none"> ▪ have meetings been conducted in accordance with the licence/lease? 		4.4	Principal	Yes	No
	<ul style="list-style-type: none"> ▪ have the school and AMU been notified of any changes of circumstance from the operator? 		4.4	Principal/AMU	Yes	No
	<ul style="list-style-type: none"> ▪ have you discussed with the AMU options at least 6 months prior to expiry of agreement? 		4.5	Principal/AMU	Yes	No

Note here the date of expiry of the lease/licence: _____