

WHO CAN BID

4. (a) Tenders may be submitted by any enterprise domiciled in New Zealand which has actively traded for the past 12 months.

(b) For the purposes of the scheme, enterprise, does not include:

- (i) any social, recreational or sporting club, any charitable or religious institution, or any person not principally engaged in carrying on a business for financial reward; or
- (ii) any person who in the opinion of the Secretary of Trade and Industry has not actively traded in goods or services for the 12 months preceding the calling of a tender; or
- (iii) any person who has been granted a licence under these provisions but who, not having lawfully assigned his licence, fails to import goods under that licence to the value of 75 percent of that licence within 12 months of the date of the relevant Notice of Results; (see section 11(d)); or
- (iv) any person who has submitted a tender under these provisions but who in the opinion of the Secretary of Trade and Industry—
 - has failed to fulfil any undertaking given to the Secretary relating to the taking up of any licence under the scheme; or
 - has made any false or misleading statement in relation to any tender submitted under the scheme or any licence granted under the scheme.

LIMITATIONS ON BIDS

5. No one enterprise may submit bids for more than the stipulated maximum number of licence units being offered for tender within each tender number.

TENDERING FORMAT

6. (a) Forms are available from Collectors of Customs and the Department of Trade and Industry.

(b) A separate tendering form is required for each individual licence unit being tendered for.

(c) Tenders must be submitted in duplicate.

(d) Each envelope must not contain more than the stipulated number of bids allowed for a particular tender number. The tender number must be marked clearly on the outside of the envelope.

(e) The tariff item(s) against which imports would be made and a brief description of the goods sought are to be set out on the tendering form.

(f) Tenderers must submit tenders in their own names.

DEADLINES AND PROCEDURES

7. (a) Tenders must be received by 5 p.m. on the due date by the REGISTRAR, IMPORT LICENCE TENDERING, DEPARTMENT OF TRADE AND INDUSTRY, PRIVATE BAG, WELLINGTON. There will be no extension of the deadline specified in the Call for Tender.

(b) Tenders may be mailed to the above address or delivered by hand to the first floor reception, Bowen State Building, Wellington. In both cases the department will verify that the tender number is marked on the outside of the envelope and will then stamp the envelope with the time and date of receipt. Hand deliveries may be made between 8.30 a.m. and 5 p.m. Monday to Friday, except public holidays.

(c) In the event of a tie for the last licence units, the successful tender will be the first valid one received. In the event that not all available licence is bid for, the licence left over will not be added to the entitlement of successful bidders.

ADVICE AND PUBLICATION

8. (a) Every Wednesday, following the closing of tenders, bids will be publicly opened in the department's Board Room in the presence of a Justice of the Peace.

(b) All tenderers will be officially informed of the outcome of their bids.

(c) The name and location of each tenderer and the amount bid in each case will be published in the *Gazette* as soon as possible after the opening of tenders.

(NB: The specific goods to be brought in will not be published.)

PAYMENT OF THE SUCCESSFUL BID

9. The amount bid by successful tenderers will be payable to the Department of Trade and Industry from the date when the relevant Notice of Results is published in the *Gazette*. The bid must be paid before the licence can be uplifted from the Customs Department and no later than six months after the publication of the Notice of Results in the *Gazette*.

RETURN OF LICENCE USAGE

10. Successful tenderers are required to provide details of how their tender licence(s) were used, including the country of origin and the value of the goods imported, as soon as the tendered licence(s) has been fully used. A form for this purpose will be attached to the letter of official notification sent to successful tenderers. The completed form should be returned to the Registrar, Import Licence Tendering, Department of Trade and Industry, Private Bag, Wellington. Failure to provide this information is likely to result in the tenderer being debarred from further participation in the scheme.

VALIDITY OF LICENCES OBTAINED BY TENDER

11. (a) Licences issued under the tendering scheme will unless otherwise stated, be valid for one year from the date of publication of the results in the *Gazette*. Extensions will be considered only in exceptional circumstances.

(b) Licences will not be transferable to other item codes, inside or outside the tendering scheme.

(c) Licences may not be assigned to third parties without the prior written consent of the department.

(d) Non-use of licence within the validity period stipulated will result in the applicant being debarred, for a period, from further participation in the tendering scheme. Normally non-use of a licence would occur where 25 percent or more of the tendered licence has not been utilised within its validity period.

STATUTORY OBLIGATIONS

12. The issue of an import licence under the tendering scheme will in no way affect the obligation of the tenderer to comply with other relevant statutes and regulations such as the obtaining of relevant veterinary, phytosanitary and any other agriculture, food and drug approvals; the meeting of relevant safety standards; the payment of the appropriate level of duty as set out in the New Zealand Customs Tariff; the payment of sales tax; the meaning of the provisions of the Sale of Liquor Act where relevant; etc.

Withdrawal of Applications for Grants of Plant Selectors' Rights (Notice No. 2651, Ag. P.V. 3/6)

PURSUANT to section 13 (2) of the Plant Varieties Act 1973, notice is hereby given that the applications for grants of Plant Selectors' Rights as specified in the Schedule hereto, have been withdrawn by the applicant.

SCHEDULE

SPECIES: PEA (*Pisum sativum*)

| Name and Address of Applicant | Address for Service | Date of Application | Date of Withdrawal | Denomination |
|---|--|---------------------|--------------------|--------------|
| Asgrow Seed Co., Kalamazoo, Michigan 49001, U.S.A. 9620 190 1. | Upjohn New Zealand, P.O. Box 11282, Ellerslie, Auckland | 15/12/80 | 10/8/81 | Lotus |
| Asgrow Seed Co., Kalamazoo, Michigan 49001, U.S.A. 9620 190 1. | Upjohn New Zealand, P.O. Box 11282, Ellerslie, Auckland | 15/12/80 | 10/8/81 | Trifect |

Dated at Lincoln this 11th day of August 1981.

F. W. WHITMORE, Registrar of Plant Varieties.