

- (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 or any licence granted under tendering. (Tenderers are also referred to Section M of the Import Licensing Schedule.)

LIMITATIONS ON BIDS

5. (a) No one enterprise may submit bids for more than the stipulated maximum number of licence units being offered for tender within each tender number. Where this does occur those bids in that tender number will be declared invalid. Tenderers must be conversant with the various statutes and regulations which apply to tendering and to importing such as safety standards, duties, sales tax, etc.
 (b) Those tenderers whose payment for previous bids are overdue or will be at the opening date of the next Round, will have to attach a bank cleared cheque for the amount overdue. Failure to do so will invalidate the bids.

TENDERING FORMAT

6. (a) Forms are available from Collectors of Customs and the Department of Trade and Industry. Registered tenderers will receive a copy of the *New Zealand Gazette* containing the Call for Tenders, a supply of bid forms and notes as appropriate.
 (b) Please use the new bid forms (T & I 335 Blue form). A separate form is required for each tender number. Where a tender number allows several bids under that number (e.g., 2 or 3 units) these may be recorded on the same bid form. This allows you to put several bids for the same tender number on one form.

PLEASE DO NOT USE PHOTOCOPIES OF THE FORM.

All details must be typed.

It is not longer necessary to post each bid separately. . . . *No duplicates are required.*

- (c) Bids submitted on behalf of tenderers must be by fully authorised agents.

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, P.O. BOX 3146, WELLINGTON. There will be no extension of the deadline specified in the Call for Tenders unless in exceptional circumstances.

(b) Tenders may be mailed to the above address or delivered by hand to the First Floor Reception, Bowen State Building, Wellington. Envelopes should be clearly marked IMPORT LICENCE TENDER. 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 licence units, the lowest winning bids will be selected by the computer programme on a random basis.

(d) Tenderers may withdraw or amend their tenders if they notify the Registrar of Tenders in writing prior to the opening of tenders.

ADVICE AND PUBLICATION

8. (a) Following the closing of tenders, bids will be publicly opened in the department's boardroom in Wellington in the presence of a Justice of the Peace. The bids are not opened in Tender number order and for this reason and the volume of bids received, these are no longer read out.

(b) Tenderers will be individually notified by letter and Invoice. Computer printouts of all results are sent to the regional offices of the department.

(c) The name and location of all tenderers, successful, unsuccessful and invalid, and the amount bid in each case, will be published in the *Gazette* as soon as possible after the opening of tenders.

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

PAYMENT OF THE SUCCESSFUL BID

9. (a) An enterprise which has been successful in obtaining a licence may not withdraw its bid. The enterprise in submitting a tender has in effect entered into a contract with the department and must fulfil its obligation to pay the sum tendered.

(b) The amount bid by an enterprise will be payable to the Department of Trade and Industry, Wellington, from the date of the invoice notifying success. The bid must be paid before the licence can be issued from Head Office, Trade and Industry and no later than six months after the date of the invoice. Payment should be made to the Finance Officer, Department of Trade and Industry, Private Bag, Wellington.

VALIDITY OF LICENCES OBTAINED BY TENDER

10. (a) Licences issued under the tendering scheme will be valid for one year from the date of the invoice unless otherwise stated. Extensions will be considered only in exceptional circumstances.

(b) Licences will not be transferable to other item codes, inside or outside the tendering scheme unless the item codes are within the same tender number.

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

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. See Section N of the Import Licensing Schedule.

LICENCE USAGE RETURNS

Licence usage return forms may be issued for certain tenders. Where successful tenderers do receive these forms, they must be completed and returned to the Registrar of Tenders.

OPERATIVE DATE

This guide is operative as from the date of this *Gazette* and supersedes other guides to import licence tendering.

TENDERING UNDER ANZCERT

These notes are additional to the Guide to Import Licence Tendering set out above. Similar procedures for lodging bids will be followed for tendering under ANZCERT as under normal tendering. However, there are some special provisions under ANZCERT which you should be aware of. These are:

(a) Licences won under the first round of ANZCERT tendering will be available for the 18 month period 1 January 1983 to 30 June 1984. Initially the licences will be issued for a 12 month period and provision will be made to extend the validity of the licence to 30 June 1984 where necessary. Only in exceptional circumstances will they be extended beyond that period.

(b) A tender period of six weeks from notification in the *New Zealand Gazette* will apply.

(c) It is recognised that, because the value of ANZCERT licence put up for tender in some item codes is relatively large compared to the total value of global licence issued in that item code, importers under the tendering scheme may face uncertainty about future licence for developing the market for the imported products. Provision has been made for successful tenderers in the first period to obtain licences for the 1984/85 period equal to one-third of the value of licence won in the first (18 month) period in such circumstances. The 1984/85 licence would be obtained on payment of one-third of the premium bid by that tenderer in the first place.

The item codes with provision for this arrangement will be notified before the 1984/85 call for tenders for ANZCERT licence.

(d) A manufacturer including its subsidiaries or associates, which receives part of the manufacturers' allocation of Exclusive Australian Licence in a particular item code, will not be entitled to bid in those item codes under the tendering scheme.

A company will be ineligible to tender in an item code if another company holding Manufacturers' Exclusive Australian Licence (MEAL) in the same item code has more than a 25 percent shareholding connection with the first company, either directly or indirectly. Companies which do not observe this principle will face the risk of having their tendered EAL's revoked. It should be noted that details of both manufacturer's and tendered EAL's will be published.

(e) Manufacturers including their subsidiaries or associates have the option of foregoing a share of the manufacturers' allocation in return for the right to tender in which case the group of companies may bid as under normal tendering.