



27 July 2021

Peter Newport

Sent via email to [peter.newport@crux.org.nz](mailto:peter.newport@crux.org.nz)

Dear Peter,

### **REQUEST FOR OFFICIAL INFORMATION – PARTIAL RELEASE OF INFORMATION**

We refer to your official information request dated 26 January 2021. You requested the following information from the Queenstown Lakes District Council (QLDC):

- What precisely was the tender/bid process - what platform was the tender run on, how widely advertised was the process? What situation (in detail) triggered the requirement for this change of water regulatory arrangement?
- Opposition from various parties is based on the fact that Cougar Security Group has no direct experience in the field of water safety and does not have the equipment or experienced people to provide such a specialised service. What documentation did Cougar provide to prove otherwise to QLDC?
- Is it the case that Cougar Security did not have the appropriate Maritime Transport Act paperwork and licences in place when the decision was made to award them the contract - and these permissions needed to be urgently obtained by Cougar?
- Do Cougar have any boats, experienced people or equipment to back up this contract at the time it was awarded?
- 

### **QLDC response**

#### **Decision to partially release information requested**

- *What precisely was the tender/bid process - what platform was the tender run on, how widely advertised was the process? What situation (in detail) triggered the requirement for this change of water regulatory arrangement?*
  - Request for Proposal via GETS. The contract went out for tender this year due to the previous contract coming up for renewal.
  - Please see the below link for the RFP documents and a copy of the contract that were uploaded to GETS for this tender. We have also provided the final template version of the contract that was entered into between the Council, and Cougar Security New Zealand, as well as a tracked changes version to show the minor differences between the executed contract and what was uploaded to GETS.
    - [Documents & Contract](#)
- *Opposition from various parties is based on the fact that Cougar Security Group has no direct experience in the field of water safety and does not have the equipment or experienced people to*

*provide such a specialised service. What documentation did Cougar provide to prove otherwise to QLDC?*

- Cougar Security has not previously held Waterways Regulatory Services contracts, but they do have a wealth of knowledge and experience in similar fields.
- *Is it the case that Cougar Security did not have the appropriate Maritime Transport Act paperwork and licences in place, when the decision was made to award them the contract - and these permissions needed to be urgently obtained by Cougar?*
  - No
- *Do Cougar have any boats, experienced people or equipment to back up this contract at the time it was awarded?*
  - Yes
- *Various parties have told Crux that safety and search and rescue operations in the district depend on the relationships built up over decades between various groups - including the Harbourmaster role. It is claimed that Cougar have not been part of this vital search and rescue culture - producing a lowered response efficiency and rate of effectiveness in dangerous safety or search and rescue operations.*
  - As it has always been the case for the Police, Maritime New Zealand and Coastguard manage any emergency search and rescue events. QLDC and its Waterways Regulatory Services provider will assist where appropriate. At this stage, it is a good opportunity to remind if there is an emergency, people should always call 111 immediately.

We trust the above information satisfactorily answers some components of your request.

### **Decision to withhold remaining information requested**

#### *Commercial sensitivity*

We have shared a template version for the Contract shared in our response, in accordance with section 7(2)(b)(ii) of the LGOIMA. Section 7(2)(b)(ii) of the LGOIMA provides that good reason for withholding information exists if making the information available 'would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information' unless other considerations exist which render it desirable in the public interest to release the information. In this case, we have withheld the fee structure to protect the commercial position of the Contract holder.

### **Right to review the above decision**

Note that you have the right to seek an investigation and review by the Ombudsman of this decision. Information about this process is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

If you wish to discuss this decision with us, please contact [Naell.Crosby-Roe@qldc.govt.nz](mailto:Naell.Crosby-Roe@qldc.govt.nz) (Governance, Engagement & Communications Manager).

Kind Regards,

A handwritten signature in black ink, appearing to read 'Poonam Sethi', with a horizontal line underneath.

Poonam Sethi  
Governance and Official Information Advisor