



**DESIGN CONSULTANCY SERVICES FOR THE ALEXANDER
MACONOCHIE CENTRE TRANSITIONAL RELEASE CENTRE
EXPANSION**

ON BEHALF OF JUSTICE AND COMMUNITY SAFETY DIRECTORATE

(DSC – ACT – 2013)

CONTACT OFFICER: PETER STRINGFELLOW

INFRASTRUCTURE FINANCE & CAPITAL WORKS

CHIEF MINISTER, TREASURY AND ECONOMIC DEVELOPMENT DIRECTORATE

PHONE: (02) 5124 7293

EMAIL: peter.stringfellow@act.gov.au

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CLOSING DATE: 7 FEBRUARY 2019

CLOSING TIME: 2:00PM CANBERRA TIME

**IMPORTANT NOTICE:
TENDERS MUST BE LODGED ELECTRONICALLY THROUGH TENDERS ACT**

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1. TERMINOLOGY

1.1 Defined terms in this REOI

| | |
|--------------|--|
| ACT | means Australian Capital Territory |
| ACTCS | means Australian Capital Territory Corrective Services |
| AMC | means Alexander Maconochie Centre |
| FSP | means Final Sketch Plan |
| IFCW | means Infrastructure Finance and Capital Works |
| LIPP | means Local Industry Participation Policy |
| JACSD | means Justice and Community Safety Directorate |
| PSP | means Preliminary Sketch Plan |
| REOI | means Request for Expression of Interest |
| TRC | means Transitional Release Centre |

2. GENERAL INFORMATION FOR RESPONDENTS

2.1 Invitation to submit a Response

- 2.1.1. The Territory invites interested parties to submit a Response.
- 2.1.2. This REOI is stage 1 of a proposed 2 stage process.
- 2.1.3. This REOI briefly describes the Territory's requirement to allow interested parties to assess their potential level of interest, capacity and any necessary qualifications to undertake the Preliminary Sketch Plan works associated the TRC Expansion.
- 2.1.4. Following this REOI the Territory proposes to shortlist Respondents to be invited to participate in a Request for Tender process for the purpose of selecting a suitably qualified contractor to enter into a contract with the Territory for the Preliminary Sketch Plan works associated with the TRC Expansion. The Territory expects that the appointment to carry out the **Works** will continue for a period of up to **1 year**.
- 2.1.5. The purpose of this REOI **is not** to select a Respondent for entry into a contract with the Territory.

2.2 Standard Conditions

- 2.2.1. This REOI is to be read in conjunction with *Standard Conditions of Tender – Construction*, which apply, and which Respondents may download from Tenders ACT at [Tenders ACT - Standard Conditions](#). Go to Tenders ACT, Document Library, Standard Conditions – Infrastructure, Standard Conditions of Tender Services.
- 2.2.2. To the extent of any inconsistency between this REOI and the Standard Conditions this REOI prevails.

2.3 Form of contract

- 2.3.1. The intended form of contract is the ACT Government Design Services Contract which Respondents may download from Tenders ACT at [Tenders ACT - Standard Conditions](#). Go to Tenders ACT, Document Library, Design Service Agreement and Standard Conditions, Design Services Contract DSC – ACT 2013.

2.4 Local Industry Participation

- 2.4.1. The ACT Government is committed to ensuring competitive local businesses are given every opportunity to compete for government contracts. The Canberra Region Local Industry Participation Policy (LIPP) sets out the process and requirements for ensuring opportunities for local industry participation in Territory procurements. The LIPP aims to promote the development and growth of the broader Canberra Region economy to support local businesses capabilities and ultimately support more local jobs. Respondent(s) should inform themselves about the requirements of the LIPP by reviewing the policy which can be accessed on the Infrastructure, Finance & Capital Works website <http://www.procurement.act.gov.au/>. The Weighted Assessment criteria includes a requirement to outline how the Respondent will meet the requirements of an Economic Contribution Test as required under the LIPP policy.

2.5 Project Management and Reporting System:

- 2.5.1. The successful Respondent(s) will be required to utilise the Government's Project Management and Reporting System (PMARS). PMARS will facilitate the transmission of technical and commercial information through an internet interface, including management of documentation and invoicing. The interface does not require the installation of software or electronic integration. The Respondent(s) will be fully supported in transitioning to PMARS and will also have access to a helpline and user support through the life of the Contract(s). For further information visit: <https://www.procurement.act.gov.au/about/pmars>

3. STATEMENT OF REQUIREMENTS

3.1 Background

The Alexander Maconochie Centre (AMC) opened in 2009 as the first correctional facility for the ACT. It is a mixed gender detention facility intended to manage both sentenced and remanded detainees.

The Transitional Release Centre (TRC) is located outside the secure perimeter of the AMC. Its purpose is to support detainees in their preparation for community reintegration, including the establishment of a transition plan, building community connections and participation in education, programs and work. In order to transfer into the TRC, detainees must meet certain eligibility criteria including satisfying a risk assessment. This means that they broadly fit the profile of adult males at a later stage in their sentence period, who are able to live in a minimum security environment.

The AMC TRC Expansion (the project) will:

- Increase accommodation for minimum security detainees by expanding the TRC
- Optimise the existing AMC facility by decanting eligible minimum security detainees from the existing medium and maximum security units
- Implement a wide range of rehabilitation programs to be delivered in partnership with non-government and government specialists
- Facilitate the TRC expansion interconnected works such as Support and Administration Buildings and Gatehouse accessibility.

The project will improve detainee living conditions inside both the AMC and TRC, enhance the delivery of detainee programs and the realisation of community reintegration outcomes. Collectively, the project seeks to ultimately support reduced recidivism; creating safer communities for all Canberrans.

3.2 Overview

The TRC Expansion project will comprise of the following works:

- TRC Accommodation – Four Accommodation buildings able to accommodate 80 additional detainees.
- TRC Support Building - Building housing necessary support services for the TRC, including entry, detainee visits, health, administration and program rooms.
- Security infrastructure - Security works associated with providing a secure perimeter that is appropriate for the number of detainees at the TRC, including fencing, CCTV, equipment and systems
- Administration Building - Office space and staff facilities
- Stores Building - Stores Building catering for the TRC Expansion and AMC

- Gatehouse efficiency of access upgrade - Efficiency upgrade of the existing Gatehouse at the AMC, including security equipment and installing separate staff and visitor entrances and exits to improve efficiency
- Other works - Other infrastructure and utilities works required to support the delivery of the project, including the car park expansion, utilities works, fencing, recreation works, landscaping and footpaths

3.3 Requirements

The Territory wishes to engage a suitably experienced and qualified consultant to undertake the Preliminary Sketch Plan Phase (PSP) of this project, which will involve engagement with user groups and key stakeholders, engagement with authorities having jurisdiction over the works, presentation of progress at key milestones to identified bodies, budget control of proposed schemes and other works associated with the scope.

The Design will require approval submission through a number of milestones (30%, 80% and 100% PSP) with input from Stakeholders and project governance groups of ACTCS and Infrastructure, Finance and Capital Works. The Design Consultant is to submit the Development Application on behalf of the Territory after securing appropriate approval of the 80% PSP milestone submission. On completion of this contract, the final agreed PSP design is intended to form part of the Territory's Principal's Documents for a GC21 contract for Design (to the extent specified) and Construction of the facilities.

It is the Territory's intention to deliver the Final Sketch Plan through the GC21 Design and Construct Head Contractor Contract.

Further details as to full scope of works will be provided at the Request for Tender stage.

4. EVALUATION

4.1 Evaluation of Responses

4.1.1. The Territory will evaluate Responses in accordance with:

- conformity with the requirements of this REOI; and
- the Assessment Criteria.

4.2 Threshold Criteria

THRESHOLD CRITERIA

**COMPLIES
YES/NO**

| | | |
|------------|---|--|
| TC1 | <p>Prequalification</p> <p>The Respondent must be prequalified with the ACT to CA or CA-D as at the date of close of the REOI.</p> <p>You do not need to supply a copy of your Certificate; the Territory will verify your prequalification status when assessing this registration submission.</p> | |
| TC2 | <p>Submission Page Limit</p> <p>The Respondent must limit their responses to 20 A4 pages.</p> <p>NOTE: The page limit excludes Principal required declarations and appendices which are ancillary to the tender.</p> | |
| TC3 | <p>The Respondent's key personnel must have demonstrated experience within Australia as the Principal consultant for:</p> <ul style="list-style-type: none"> At least one custodial or secure facility project valued at over \$20 million completed in Australia within the last 5 years. <p>Respondents are requested to provide details of:</p> <ul style="list-style-type: none"> Project Name and Description Facility location Current status of project Project value Referee contact detailed of the referenced facilities | |

- 4.2.1. If a Response does not satisfy the threshold criteria, the Territory may in its absolute discretion regard that Response as non-conforming and not consider that Response for further assessment.

4.3 Weighted Criteria

- 4.3.1. The Territory will assess Responses against the following weighted Assessment Criteria.
- 4.3.2. When the Territory concludes its assessment it will assign a numerical score to each Response based on assessed risk and weighting of each weighted Assessment Criteria.

| WEIGHTED CRITERIA | | |
|--------------------------|-------------------------------------|------------|
| WC1 | Local Industry Participation | 10% |

| | | |
|------------|---|------------|
| | <p>Respondents are to provide information on how their business entity will contribute to the economic benefit of the Canberra Region by providing a statement on the following:</p> <ul style="list-style-type: none"> a) Current business presence in the Canberra Region, including relevant capital investment history and/or new commitments; b) How the Respondent will identify and consider products and capabilities provided by local businesses; c) Additional undertakings by the Respondent to benefit the Canberra Region economy; and d) Approach to workforce skilling and local skills (eg, through supply chain). | |
| WC2 | <p>Approach to the Project</p> <p>Respondents are to demonstrate their approach to the project in delivering a package of projects in conjunction with this procurement, including but not limited to the following:</p> <ul style="list-style-type: none"> a) Management of stakeholder user groups, b) Management of Design team including sub-consultants, c) The design review process both internally and with the stakeholders d) Allocation of resources e) Quality assurance f) Cost control g) Time management and program delivery to nominated milestone dates | 50% |
| WC3 | <p>Technical, Managerial Skills and Resources to complete the project</p> <p>Provide and describe the following:</p> <ul style="list-style-type: none"> a. Management structure and personnel including CVs of key personnel that will be engaged on this project, including backup personnel; b. Professional / technical capability of key personnel to meet the requirements of this project; c. Proposed subconsultants including how they will be managed. | 40% |

4.4 Non-Weighted criteria

- 4.4.1. The Territory will take into account in its assessment the following non-weighted Assessment Criteria.

| NON-WEIGHTED CRITERIA | |
|-----------------------|---|
| NWC1 | <p>Insurance</p> <p>Without limiting the insurance that is required to be held by the preferred Respondent by law (e.g. workers' compensation) or under contract with the Territory, the preferred Respondent will be required to take out and maintain:</p> <ol style="list-style-type: none"> (1) public liability insurance with coverage in the amount of not less than \$20,000,000.00 in respect of each occurrence; and (2) professional indemnity insurance with coverage in the amount of \$5,000,000.00 per claim and in the annual aggregate. |

4.5 Overall Assessment of Value for money

To the extent relevant to this REOI, following the evaluation of Responses against the Assessment Criteria the Territory may undertake a value for money assessment including taking into account, for example:

- (1) risk (which may include, without limitation, risk arising as a result of the Response/Respondent being assessed as an unacceptably high risk against any Assessment Criteria);
- (2) the results of the evaluation against the Assessment Criteria; and
- (3) any other matter set out in, or relevant to, the *Government Procurement Act 2001* (ACT).

4.6 Evaluation Timetable

- 4.6.1. The Territory proposes the following timetable for the procurement process relating to this REOI:

| Stage | Event | Proposed Date |
|-------|-------|---------------|
|-------|-------|---------------|

| | | |
|----------------|---|------------------|
| Stage 1 | Issue of REOI | 18 January 2019 |
| | Closure of REOI | 7 February 2019 |
| Stage 2 | Shortlist Respondents | February 2019 |
| | Issue Select RFT | February 2019 |
| | Close RFT | March 2019 |
| | Complete evaluation of RFT and notify Tenderers | April / May 2019 |
| | Engage Consultant | May 2019 |

- 4.6.2. This assessment timetable is for guidance only, and the Territory may at its absolute discretion change any of the details above.

5. ADDITIONAL CONDITIONS

5.1 Amendments to the Standard Conditions

- 5.2.1. The Territory will receive questions from Respondents up to 72 hours prior to the close of Responses.

5.2 Consultant's obligations

- 5.4.1 It is intended the successful design consultant from stage 2 of this process will be released to participate in later stages of the project.
- 5.4.2 Respondents acknowledge the services, including designs, reports, analyses or other documents produced from its delivery of the services may be used by the Territory to formulate requirements for the design, procurement and delivery of the project. The preferred Respondent to stage 2 will be required to comply with any confidentiality, conflict of interest and probity measures required by the Territory for the project.

5.3 Prequalification

- 5.3.1. The Respondent must maintain this prequalification to the required level at all times throughout the entire procurement process, and the Territory may in its absolute discretion not consider (or not continue to consider) a Response further if the Respondent fails to maintain its prequalification to the required level.
- 5.3.2. The Respondent must be prequalified to the required level as a precondition to participate in stage 2 of this process.

5.4 Subcontractors not approved

Acceptance of a Response by the Territory does not constitute an approval of a proposed subcontractor or subcontracted work.

5.5 Financial information

The Territory may at its discretion require any preferred, or subsequently preferred, Respondent(s) to submit additional information for the purpose of the Territory assessing the preferred Respondent(s)' financial capacity and viability to provide the Works, which may, for example and without limitation, include the information required in the Contractor/Consultants Financial Assessment Kit located on the Procurement & Capital Works web page at http://www.procurement.act.gov.au/prequalification/prequalification_document_downloads.

6. RESPONDENT DECLARATION

6.1 Complete Respondent Declaration

- 6.1.1. Respondents must complete and submit with their Response a Respondent Declaration in the form provided in this REOI.
- 6.1.2. The Respondent must be a legal entity and must provide, if the Respondent is:
- a corporation, the registered name of the corporation, address of its registered office, address of its principal place of business and its ACN;
 - a person, the name in full and address of the person;
 - a partnership, the name in full and the address of each member of the partnership, the trading name of the partnership, and its ABN.

- 6.1.3. The ACN and ABN provided in the Respondent Declaration must accurately correlate with the legal entity.
- 6.1.4. The Territory may at its absolute discretion deem a Response to be non-conforming if the Respondent fails to submit the completed Respondent Declaration or supply required information (unless the Respondent specifies that the information is “Not Applicable”).

6.2 Legal Entity

- 6.2.1. Respondents are to note that, if the Territory invites them to participate in stage 2 of this process, the entity registering at this REOI stage must be identified in any subsequent Tender as a Tendering entity proposed to enter into the Contract.
 - 6.2.2. Respondents must therefore carefully consider the entity that submits a Response as this entity may be the only entity that will be permitted to participate in stage 2, if invited (if any). For example: If ABC Pty Ltd ACN 111 222 333 is the legal entity that submits the Response, then the Territory may only permit ABC Pty Ltd ACN 111 222 333 to participate in stage 2.
- 1.1.1. However, if a Respondent wishes to propose a different contractual or entity structure to deliver the project, for example if it intends to submit a Tender in Stage 2 on a Joint Bid basis, it should specify its proposed arrangement in its Response to this REOI for the consideration of the Territory.
 - 1.1.2. A newly created incorporated joint venture entity if incorporated after the close of this REOI may not be assessed as satisfying the above as it will not have been registered at this REOI stage.
 - 1.1.3. The Territory reserves its right to invite or allow entities which were not registered at the REOI stage to participate in the RFT, including that it reserves the right to waive the requirement in this **section 6.2**. Any entities which were not registered at the REOI stage but are invited to participate in the RFT may be required to demonstrate compliance with any threshold criteria set out in this REOI.
 - 1.1.4. Responses may be submitted on a Joint Bid Basis in accordance with the Standard Conditions.

7. CONFIDENTIAL TEXT

- 7.1.1 Respondents are requested to submit with their Response a form substantially in the form of **ATTACHMENT 2** if it wishes to specify any information it believes is confidential in accordance with and for the purposes specified in section 12 of the Standard Conditions.

- 7.1.2 The Territory will be entitled to assume the Respondent does not believe any information is confidential for the purposes of this REOI if the Respondent does not submit a form substantially in the form of **ATTACHMENT 2**.

8. LODGEMENT OF RESPONSES

8.1 Lodgement Instructions

- 8.1.1. Responses must be lodged electronically via Tenders ACT. A Response lodged by any other means including by hand, facsimile or email will be considered non-conforming.
- 8.1.2. Respondents must register on Tenders ACT in order to lodge a Response.
- 8.1.3. Response files must comply with the requirements (including size and naming conventions) for lodgement set out in the Standard Conditions. It is the responsibility of the Respondent to familiarise itself with, and comply with, those requirements.
- 8.1.4. Response files must be lodged, as applicable, in the following formats:
- PDF; and/or
 - Microsoft Word; and/or
 - Microsoft Excel.
- 8.1.5. Response files must not exceed 100 MB in size.
- 8.1.6. All enquiries in relation to this REOI must be directed in writing to the Contact Officer at TendersACT@act.gov.au.
- 8.1.7. All queries and requests for technical or operational support should be directed to:
- Tenders ACT Team
Telephone: 02 6207 7377
- International: +61 2 6207 7377
Email: TendersACT@act.gov.au
- 8.1.8. The Tenders ACT team is available between 9 am and 5pm ACT local time, Monday to Friday (excluding ACT and national public holidays).
- 8.1.9. Below is a list of actions and/or information that Respondents should review prior to submitting their Response. This list may not be complete and Respondents should rely on their own inspection of the Standard Conditions and this REOI.

- ☐ Response submitted on time
- ☐ All Assessment Criteria addressed within page limitation
- ☐ Completed and signed Respondent Declaration
- ☐ Completed Confidential Text Schedule (if the Respondent wishes to specify any confidential text)
- ☐ Ethical Suppliers And Work Health & Safety Declaration

ATTACHMENT 1 – RESPONDENT DECLARATION

1. I, the undersigned, am authorised on behalf of the Respondent to provide the information and make the declarations set out in this Respondent Declaration.
2. I/We respond to the Territory for the Preliminary Sketch Plan design for the TRC Expansion project on behalf of ACT Corrective Services.
3. I/We have provided details of any information I/we wish to be treated as confidential in any resulting contract substantially in accordance with section 12 of the Standard Conditions.
4. I/We undertake to provide financial information if the Territory requests.
5. I/we authorise the Territory to:
 - (a) obtain from any Territory, State or Commonwealth government agency (including any regulatory or law enforcement body, including without limitation WorkSafe ACT) and take into account in the evaluation, information including information about the Respondent's performance and/or compliance during any previous or current contracts for similar services as those sought in the REOI;
 - (b) obtain and take into account in its evaluation, information from referees on prior or current projects on which the Respondent was involved (whether or not the referee was nominated by the Respondent in its Response); and
 - (c) provide this Respondent Declaration to any Commonwealth, State or Territory government agency (including any regulatory or law enforcement body) as evidence of the Respondent's consent to allow that agency to release the relevant information, if consent is required.
6. I/We agree that the Response is open for acceptance by the Territory for a period of 120 days or such other period as specified in this REOI.
7. I/We warrant that in preparing the Response I/we did not communicate or have any arrangement or arrive at any understanding with any other Respondent to assist me/us or another Respondent to prepare a Response including that we did not engage in any discussion or correspondence concerning the prices included in our Response, or engage in any collusive tendering with any of the other Respondents, or any other conduct which in any way reduced or could have the effect of reducing the competitiveness of the REOI process.
8. I/We confirm that I/We have complied with the Building Code 2016 in preparing this Response, if required by this RFT.
9. I/We warrant that at the closing date for this REOI the Respondent and its officers, employees, agents, subcontractors, consultants and advisers do not have any actual, potential or perceived conflicts of interest between the Territory's interests and the Respondent's interests, other than as specifically disclosed in the Response and I/We undertake to immediately notify the

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Transitional Release Centre Expansion for the Justice and Community Safety Directorate

Contact Officer of any actual, potential or perceived conflicts of interest that arise before the completion of this process.

10. I/We warrant that I/we have read the entire REOI, the Standard Conditions, and all Addenda.

| | | | | |
|---|-----------|---|---------------------------------------|--|
| Full Name and / or Name of Company | | AND | Trading Name (<i>Business Name</i>) | |
| ACN (Australian Companies Number) | | ABN (Australian Business Number) | | |
| Registered Business Address | | Postal Address | | |
| State | P/Code | State | P/Code | |
| Telephone No | Mobile No | Facsimile No | Email address | |
| Name of ACT Professional Standards Scheme (if any) | | Upper Limit of capped Professional Indemnity Liability Insurance (if any) | | |
| Respondent's Representative | | (include telephone number) | | |
| Position Held by Respondent's Representative | | | | |
| Signature of Director (if corporation), or individual | | Printed Name | | |
| Date | | | | |
| Signature of 2nd Director/Secretary (if corporation), otherwise Witness | | Printed Name | | |

ATTACHMENT 2– CONFIDENTIAL TEXT

The Respondent is requested to identify in the following format any information provided in the Response in relation to which the Respondent would, if that

information were included in the Contract, request be confidential text for the purposes of the *Government Procurement Act 2001* (ACT).

| Response Reference | Description of Text | Basis for Respondent's Claim (per <i>Government Procurement Act 2001</i> , Section 35) | | | | | | | Reasoning |
|--------------------|---------------------|---|--------------|---------------|--------------|-------------|-------------|----------|-----------|
| | | 35(1)(a)(i) | 35(1)(a)(ii) | 35(1)(a)(iii) | 35(1)(a)(iv) | 35(1)(a)(v) | 35(1)(a)(v) | 35(1)(b) | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |

ATTACHMENT 3 – ETHICAL SUPPLIERS AND WORK HEALTH & SAFETY DECLARATION

[Instructional note: The Respondent is to complete all prompts in this Declaration]

STATUTORY DECLARATION

Statutory Declarations Act 1959 (Cth)

I, **[Name, address and occupation of person making declaration]** make the following declaration under the Statutory Declarations Act 1959 (Cth),

1. In this declaration a reference to:
 - a. **“Adverse Ruling”** means a ruling, order, notice (including without limitation any improvement notice or prohibition notice), conviction or finding made or issued by any Authorised Entity.
 - b. **“Authorised Entity”** means any court, tribunal, board, commission, regulatory agency (including without limitation the director-general, commissioner, regulator or any inspector referred to in the Prescribed Legislation) or other entity with jurisdiction to determine employee and industrial relations matters or work health and safety matters to the effect that the Respondent has contravened the Prescribed Legislation.
 - c. **“Employee”** means a natural person who is employed under a contract of service (excluding professional or information technology services) to provide the Respondent with his or her labour.
 - d. **“Full Details”** means the details of:
 - (i) the nature of the Adverse Ruling, breach or offence;
 - (ii) the name of the relevant Authorised Entity;
 - (iii) the State or Territory in which the proceeding or prosecution was brought;
 - (iv) the date of the Adverse Ruling was made, or the proceeding or prosecution was commenced and the number or description assigned to the proceeding or prosecution;

- (v) the entity against which the Adverse Ruling, breach or offence was made or issued;
 - (vi) any document setting out the Adverse Ruling, breach or offence (including provision of a copy of the same);
 - (vii) any conviction recorded or adverse finding made in respect of the Adverse Ruling, breach or offence;
 - (viii) any penalty, fine or order imposed by an Authorised Entity in respect of the Adverse Ruling, breach or offence and the maximum penalty, fine or order that could have been imposed under the Prescribed Legislation;
 - (ix) any remedial measures or other actions proposed or recommended by the Authorised Entity and details of steps taken by the Respondent to comply with those remedial measures or other actions; and
 - (x) the status of the Adverse Ruling, breach or offence as at the date of the declaration.
- e. **“Industrial Instruments”** means an award or agreement, however designated, that is made under or recognised by the Prescribed Legislation.
- f. **“Prescribed Legislation”** means all applicable Acts and subordinate instruments of the Commonwealth and the Territory, which deal with matters relating to industrial relations, employment and/or workplace safety obligations that apply to an entity including (as amended or replaced from time to time) but not limited to:
- (i) *Fair Work Act 2009* (Cth);
 - (ii) *Fair Work (Building Industry) Act 2012* (Cth);
 - (iii) *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth);
 - (iv) *Income Tax Assessment Act 1997* (Cth);
 - (v) *Independent Contractors Act 2006* (Cth);
 - (vi) *Industry Research and Development Act 1986* (Cth);
 - (vii) *Long Service Leave Act 1976* (ACT);
 - (viii) *Long Service Leave (Portable Schemes) Act 2009* (ACT);
 - (ix) *Migration Act 1958* (Cth);
 - (x) *Paid Parental Leave Act 2010* (Cth);
 - (xi) *Payroll Tax Act 2011* (ACT);
 - (xii) *Safety, Rehabilitation and Compensation Act 1988* (Cth);

- (xiii) *Superannuation Guarantee (Administration) Act 1992* (Cth);
- (xiv) *Superannuation Guarantee Charge Act 1992* (Cth);
- (xv) *Work Health and Safety Act 2011* (ACT);
- (xvi) *Workers' Compensation Act 1951* (ACT);
- (xvii) *Workplace Gender Equality Act 2012* (Cth).

- g. **"Prescribed Works or Services"** means works or services that require the exertion of labour by Employees.
 - h. **"Secure Local Jobs Code Certificate"** has the meaning given by the *Government Procurement Act 2001*.
 - i. **"Secure Local Jobs Code"** has the meaning given by the *Government Procurement Act 2001*.
 - j. **"Respondent"** means **[insert full legal name of Respondent including the ACN/ABN as per that identified in the Registration of Interest]**.
 - k. **"Territory-Funded Work"** has the meaning given by the *Government Procurement Act 2001*.
- 2. I am authorised on behalf of the Respondent to make this declaration.
 - 3. The information supplied by the Respondent with and in its Response is true and correct. Any further information to be supplied by the Respondent to enable assessment of its Response will be true and correct.
 - 4. The Respondent is aware that Respondents for Territory-Funded Work must hold a Secure Local Jobs Code Certificate and that once certified Respondents must comply with the Secure Local Jobs Code.
 - 5. The Respondent agrees to comply with all applicable Territory policies and legislation referable to Territory-Funded Work and, if the Respondent is prequalified under a prequalification scheme in the Territory, the WHS Active Certification Policy, if it is the preferred Respondent.
 - 6. By submitting a Response the Respondent authorises the Territory to:
 - a. obtain from any Territory, State or Commonwealth government agency (including for the avoidance of doubt, any regulatory or law enforcement body) and take into

- account in its evaluation, information, including information about the Respondent's performance under contracts (whether or not those contracts were with the Territory, State or Commonwealth or another entity and whether or not those contracts were identified by the Respondent in its Response);
- b. obtain and take into account in its evaluation, information from referees or other reputable sources on the performance of the Respondent on projects (whether or not they are identified by the Respondent in their Response);
 - c. use any information obtained from any Territory, State or Commonwealth government agency (including for the avoidance of doubt, any regulatory or law enforcement body), referee or other reputable source for any government purposes including, without limitation, assessment of suitability for award of contract;
 - d. provide information about the Respondent to any Territory, State or Commonwealth government agency, including information provided by the Respondent and information related to the Respondent's performance at any time and for any reason;
 - e. provide the name of the Respondent and this declaration to Unions ACT; and
 - f. provide this declaration to any Territory, State or Commonwealth government agency (including any regulatory or law enforcement body, which includes, without limitation WorkSafe ACT) as evidence of the Respondent's consent to allow that agency to release information as requested by the Territory to the Territory.
7. The following Industrial Instruments made pursuant to any Prescribed Legislation specifically applies to the Employees of the Respondent and are binding on it or them.
- [Insert details of Industrial Instruments (this is the award you pay your employees under). If no Employees write "N/A"]**
8. The Respondent has in the preceding 36 months of the date of this declaration complied with all applicable Industrial Instruments.

☐ True (delete 8A and initial) ☐ Not true (answer 8A) ☐ N/A No Employees
(delete 8A)

8A. The Respondent has not complied with the following Industrial Instruments in the following respects.

[Insert full details]

9. The Respondent has in the preceding 36 months of the date of this declaration complied with all Prescribed Legislation

☐ True (delete 9A and initial) ☐ Not true (answer 9A)

9A. The Respondent has not complied with the following Prescribed Legislation.

[Insert Full Details of the failure to comply with Prescribed Legislation]

10. The Respondent has in the preceding 36 months of the date of this declaration recognised the rights of its Employees to union membership and representation.

☐ True (delete 10A and initial) ☐ Not true (answer 10A) ☐ N/A No Employees (delete 10A)

10A. The Respondent has not recognised the rights of Employees to union membership and representation in the following respects.

[Insert Full Details of how the Respondent has not recognised the rights of Employees to union membership and representation]

11. The Respondent has in the preceding 36 months of the date of this declaration complied with all amendments to wages and conditions of employment for their Employees as decided by any authorised industrial or wage-setting agency.

☐ True (delete 11A and initial) ☐ Not true (answer 11A) ☐ N/A No Employees (delete 11A)

11A. The Respondent has not complied with all amendments to wages and conditions of employment for their Employees as

decided by any authorised industrial or wage-setting agency in the following respects:

[Insert Full Details of how the Respondent has failed to comply with all amendments to wages and conditions of employment]

12. In the preceding 36 months of the date of this declaration there have been no findings against the Respondent by an Authorised Entity, including a finding of a breach in a non-confidential consent order.

☐ True (delete 12A and initial) ☐ Not true (answer 12A)

- 12A. There have been the following findings (Full Details of which are provided) against the Respondent by an Authorised Entity:

[Set out Full Details of findings]

13. In the preceding 36 months of the date of this declaration there have been no Adverse Rulings under the Prescribed Legislation against the Respondent.

☐ True (delete 13A and initial) ☐ Not true (answer 13A)

- 13A. There have been the following Adverse Rulings under the Prescribed Legislation against the Respondent:

[Set out Full Details of Adverse Rulings]

14. There are currently no proceedings or prosecutions against the Respondent in respect of a breach of any Prescribed Legislation.

☐ True (delete 14A and initial) ☐ Not true (answer 14A)

- 14A. There are currently the following proceedings or prosecutions against the Respondent in respect of a breach of Prescribed Legislation.

[Set out Full Details of proceedings or prosecutions]

15. The Respondent has not been required to implement any remedial measures to ensure future compliance with the Prescribed Legislation.

☐ True (delete 15A and initial) ☐ Not true (answer 15A)

- 15A. The Respondent has been required to implement the following remedial measures to ensure future compliance with the Prescribed Legislation:

[Set out Full Details of the remedial measures implemented]

16. Below is a complete list of all projects (both completed and current) in the Australian Capital Territory where the Respondent has had management or control of a project site and on which an audit into any aspect of work health and safety performance or compliance has been conducted in the 36 months prior to the date of this declaration.

[Set out list of projects, or is none "n/a"]

17. I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the Statutory Declarations Act 1959, and I believe that the statements in this declaration are true in every particular.

[Signature of person making the declaration]]

[Print name of person making the declaration]

Declared at [place] on [day] of [month] [year]

Before me:

[Signature of person before whom the declaration is made]

[Full name, qualification and address of person before whom
the declaration is made (in printed letters)]

Note 1 A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years – see section 11 of the Statutory Declarations Act 1959.

Note 2 Chapter 2 of the Criminal Code applies to all offences against the Statutory Declarations Act 1959 – see section 5A of the Statutory Declarations Act 1959.

A statutory declaration under the Statutory Declarations Act 1959 may be made before–

- (1) A person who is currently licensed or registered under a law to practise in one of the following occupations:

| | | |
|----------------------|----------------------|--------------------|
| Chiropractor | Dentist | Legal practitioner |
| Medical practitioner | Nurse | Optometrist |
| Patent attorney | Pharmacist | Physiotherapist |
| Psychologist | Trade marks attorney | Veterinary surgeon |
- (2) A person who is enrolled on the roll of the Supreme Court of a State or Territory, or the High Court of Australia, as a legal practitioner (however described); or
- (3) A person who is in the following list:

Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public
Australian Consular Officer or Australian Diplomatic Officer (within the meaning of the Consular Fees Act 1955)
Bailiff
Bank officer with 5 or more continuous years of service
Building society officer with 5 or more years of continuous service
Chief executive officer of a Commonwealth court
Clerk of a court
Commissioner for Affidavits
Commissioner for Declarations
Credit union officer with 5 or more years of continuous service
Employee of the Australian Trade Commission who is:
 - (a) in a country or place outside Australia; and
 - (b) authorised under paragraph 3 (d) of the Consular Fees Act 1955; and
 - (c) exercising his or her function in that placeEmployee of the Commonwealth who is:
 - (a) in a country or place outside Australia; and
 - (b) authorised under paragraph 3 (c) of the Consular Fees Act 1955; and
 - (c) exercising his or her function in that placeFellow of the National Tax Accountants' Association
Finance company officer with 5 or more years of continuous service
Holder of a statutory office not specified in another item in this list
Judge of a court
Justice of the Peace
Magistrate
Marriage celebrant registered under Subdivision C of Division 1 of Part IV of the Marriage Act 1961
Master of a court
Member of Chartered Secretaries Australia
Member of Engineers Australia, other than at the grade of student
Member of the Association of Taxation and Management Accountants
Member of the Australasian Institute of Mining and Metallurgy
Member of the Australian Defence Force who is:
 - (a) an officer; or
 - (b) a non-commissioned officer within the meaning of the Defence Force Discipline Act 1982 with 5 or more years of continuous service; or
 - (c) a warrant officer within the meaning of that ActMember of the Institute of Chartered Accountants in Australia, the Australian Society of Certified Practising Accountants or the National Institute of Accountants
Member of:
 - (a) the Parliament of the Commonwealth; or
 - (b) the Parliament of a State; or
 - (c) a Territory legislature; or
 - (d) a local government authority of a State or TerritoryMinister of religion registered under Subdivision A of Division 1 of Part IV of the Marriage Act 1961

Request for Expression of Interest JACS437-REOI-001– Design Consultancy Services for the AMC
Transitional Release Centre Expansion for the Justice and Community Safety Directorate

Notary public

Permanent employee of the Australian Postal Corporation with 5 or more years of continuous service who is employed in an office supplying postal services to the public

Permanent employee of:

- (a) the Commonwealth or a Commonwealth authority; or
- (b) a State or Territory or a State or Territory authority; or
- (c) a local government authority;

with 5 or more years of continuous service who is not specified in another item in this list

Person before whom a statutory declaration may be made under the law of the State or Territory in which the declaration is made

Police officer

Registrar, or Deputy Registrar, of a court

Senior Executive Service employee of:

- (a) the Commonwealth or a Commonwealth authority; or
- (b) a State or Territory or a State or Territory authority

Sheriff

Sheriff's officer

Teacher employed on a full-time basis at a school or tertiary education institution.