|  |
| --- |
| User Guidance  This **Request for Expressions of Interest – Conditions for Application** has been developed for use by NSW Government Agencies. It is to be used in conjunction with the associated **Returnable Schedules**, which are in a separate file.  **Request for Expressions of Interest**  **Conditions for Application**  Please refer to the buy.nsw website at [*https://buy.nsw.gov.au/categories/construction*](https://buy.nsw.gov.au/categories/construction) to locate all documents referenced throughout this text. Guidance is based on Microsoft 365 Word.  Guide Notes  This standard form contains guidance in hidden text, ie:  **GUIDE NOTES:**  Guide Note examples  If the Guide Notes are not visible, click on the **Show/Hide** button “¶”.  If still not visible, then:  **•** Go to Microsoft Word **File/Options** menu;  • Select the **Display** tab; then  **•** Tick the **Hidden Text** check box and click the **OK** button.  This process can also be used to hide guide notes in a finished document.  General  Insertion Points  Each ‘»’ shows where input is required. Click onto each ‘»’ and overtype.  When Completed:  1. Remove all Guide Notes manually or by the following steps:  **•** On the **Editing** menu click **Replace**, then (if required)  **•** Click the **More** button;  **•** Click the **Format** button, click on **Font**;  **•** Tick the **Hidden** check box and click the **OK** button;  **•** Click the **Special** button, click on **Any Character**; then  **•** Click the **Replace All** button.  2. Delete this **User Guidance**, along with the following **Page Break**. |



*New South Wales Government*

**Request for Expressions of Interest**

**Conditions for Application**

(Standard Version of Request for Expressions of Interest as at 27 July 2022)

Space

**Request for Expression of Interest for:**

**»**

**INSERT THE NAME OF THE PROJECT, EG: “gREENFIELD PUBLIC SCHOOL ADDITIONAL ACCOMMODATION – STAGE 2”**

**at:**

**»**

**INSERT THE LOCATION OF THE SITE OF the WORK, IF APPLICABLE, EG: “BOURKE STREET, FORT GREY, NSW 2880”**

**EOI No: »**

**insert the contract number for the proposed eoi**

**»**

**insert the month and year, eg, july 2022**

**»**

INSERT THE <Department / Agency> OR <INSERT < Department / Agency > for and on behalf of the <Insert Client Agency / Department>

**EOI Applications close at »**

**insert the time/date, eg, 9.30 am (sydney time) 14 august 2022**

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insert the AGREEMENT nAME and REQUEST FOR TENDER nUMBER in the footer.

The details must match those on the title page.

to update the table of contents:

* Click and highlight the table;
* Press “F9” Key; and
* in the “update table of contents” box select “update entire table”

remember to account for any and all movement of pages.

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1. General
2. Introduction

Include general information ABOUT the context of the project, EG, policy directions and the funding agency’s responsibilities.

»

1. The Project

Include information, such as:

* a description of the project as a whole;
* the project objective(s); and
* relevant project management details, eg, who will manage the EOI PROCESS, tendering process and the proposed contract.

»

1. Call for Expressions of Interest

Expressions of Interest (EOI) are invited from organisations wishing to be pre-registered to tender for the proposed contract for ».

Insert the name of the proposed contracT.

The scope of work under the proposed contract includes »

describe the scope of work involved in the proposed contract, including relevant details, such as the extent of design and any special features (eg, if the contract will be a managing contractor contract).

This document invites Expressions of Interest (EOI) from suitably experienced, competent and skilled construction contractors to construct.

IF EARLY TENDERER INVOLVEMENT (eti) is to be included in this request for eoi, insert clauses enclosed at appendix a.

Note that this is a brief overview of the proposed contract and the scope of work. More details will be included in the Request for Tender (RFT) documents provided to organisations that are invited to submit tenders as a result of this EOI process.

amend the following paragraph if the contract will not incorporate the GC21 general conditions of contract.

The proposed contract will incorporate the GC21 General Conditions of Contract, which are available on the buy.nsw website.

The Principal in the proposed contract (referred to in this Request for EOI as ‘the Principal’) will be ».

Insert name of the proposed principal.

1. Other Project Work

describe other contracts, consultancies and actions proposed by the principal or client. delete if not applicable.

»

1. The Expression of Interest Process

The EOI is the first stage of a multi-stage tender process. The objective of the EOI process is to identify and pre-register organisations that are interested in entering into the proposed contract and have suitable capacity, capability and experience.

Insert the names of agencies who will be represented on the Evaluation Committee.

An Evaluation Committee comprising representatives of » will evaluate EOI applications on the basis of the evaluation criteria set out in Section 3 of this Request for Expressions of Interest (Request for EOI).

INSERT NUMBERS OF TENDERS REQUIRED. refer TO NSW Government Tendering Guidelines FOR GUIDANCE.

The Evaluation Committee will identify the applicants that it considers best satisfy the evaluation criteria and will recommend a minimum of » and a maximum of » to be pre-registered and invited to submit tenders for the proposed contract. The Evaluation Committee may nominate one or two of the next ranked applicants as reserves to allow for possible withdrawal of selected applicants.

The Principal will determine which of the applicants will be pre-registered. Only organisations that are pre-registered through this EOI process will be eligible to submit tenders.

Unless specifically stated in this Request for EOI, the Principal will not be liable for any costs incurred by applicants through participation in the EOI process.

1. Contact Person

Refer all requests for information about this EOI process to the following Contact Person:

Insert the name and contact details of the person best able to answer questions from applicants.

Ensure that the person has a copy of the request for eoi and will be available for the duration of the period from its release until applications close.

|  |  |
| --- | --- |
| Name: | » |
| Telephone number: | » |
| Email address: | » |

1. Indicative Timetable

Use option 1 where the proposed tendering process will not include early tenderer involvement (ETI).

use option 2 (included at appendix a) when there will be an ETI process.

option 1

An indicative timetable for the EOI process is as follows:

Amend the table below as required. Insert applicable dates.

|  |  |
| --- | --- |
| Expressions of Interest close: | » |
| Evaluation completed: | » |
| Successful applicants notified: | » |
| RFT Documents issued: | » |
| Tenders close: | » |
| Contract awarded: | » |
| All work under the contract completed: | » |

end of option 1

1. NSW Government Supplier Code of Conduct and NSW Industrial Relations Guidelines: Building and Construction

Applicants must comply with the NSW Government Supplier Code of Conduct (the Code), which is available at [www.buy.nsw.gov.au/policy-library/policies/supplier-code-of-conduct](http://www.buy.nsw.gov.au/policy-library/policies/supplier-code-of-conduct).

Lodgement of an EOI is evidence of an applicant’s agreement to comply with the Code during the Request for EOI process and any subsequent tendering process.

The Applicant’s attention is directed to the NSW Industrial Relations Guidelines: Building and Construction Procurement (NSW Guidelines). The Guidelines apply to the Project and are available at <https://www.industrialrelations.nsw.gov.au/industries/key-industries-in-nsw/building-and-construction/>.

Applicants must demonstrate that they understand and will comply with the NSW Guidelines.

2. Further Information
3. Addenda to this Request for EOI

The Principal may issue an instruction amending the Request for EOI, as a result of an applicant’s request for clarification or any other reason. Any such instruction will be issued in writing in the form of an Addendum, which becomes part of this Request for EOI. Written Addenda issued by the Principal are the only recognised explanations of, or amendments to, the Request for EOI documents.

Any applicant that did not obtain the Request for EOI documents directly from the Principal or through an eTendering system should advise the Contact Person before submitting an application to ensure that they have received all Addenda and allowed for any changed requirements.

1. Briefing for Potential Applicants

Delete this clause and the above heading if a briefing session will not be held. the time and location of the briefing may be stated here, if known. Amend the text as required.

Amend as required if attendance at the briefing session is mandatory and Include a statement that applications submitted by applicants who fail to attend will be passed over.

A briefing session will be held at the time and place nominated in the invitation to submit an EOI. It is not mandatory for applicants to attend the briefing.

An applicant may be represented at the briefing by a maximum of two people. Confirm attendance with the Contact Person by noon on the business day before the briefing.

Written questions about the Request for EOI may be submitted before the briefing and applicants may ask questions at the briefing. If a question cannot be answered at the briefing, a written response will be provided as soon as possible afterwards.

A written record of all questions asked at or before the briefing, and all answers given, will be provided to applicants in the form of an Addendum.

1. Disclaimer

The Principal is not committed contractually in any way to those applicants whose applications are accepted. The issue of this Request for EOI does not commit or otherwise oblige the Principal to proceed with any part or steps of the process.

Whilst the information contained in this Request for EOI has been formulated with all due care, the Principal does not warrant or represent that the information is free from errors or omissions. The information is made available on the understanding that the Principal, and its respective employees and agents, shall have no liability (including liability by reason of negligence) for any loss, damage, cost or expense incurred or arising by reason of any person using or relying on the information and whether caused by reason of any error, omission or misrepresentation in the information or otherwise.

Furthermore, the Principal takes no responsibility for the accuracy, currency, reliability and correctness of any information included in this EOI.

1. Evaluation Criteria
2. Mandatory Evaluation Criteria

amend the following paragraph if the only mandatory criterion is lodgment of the application form.

Applicants are required to complete the Application Form, Returnable Schedule 1. To be considered to be pre-registered, applicants must also demonstrate that they meet mandatory requirements in respect of the following evaluation criteria:

Some commonly used mandatory criteria are listed below. amend the list as required to suit the proposed contract.

include returnable Schedules relevant to the criteria listed.

* legal entity;
* financial capacity;
* work health & safety management;
* environmental management;
* quality management;
* Aboriginal participation;
* skills, training and diversity in construction, incorporating the Infrastructure Skills Legacy Program; and
* industrial relations.

The requirements for these mandatory criteria are set out below.

1. Legal Entity

An applicant must be a legal entity that is recognised and acceptable to the Principal. EOIs will not be considered from firms under any form of external administration, Trusts or entities such as business names.

Any applicant that is an unincorporated business, such as a sole trader, partnership or business name, must identify the legal entity that would enter into the proposed contract.

Pre-registration of an applicant will not extend to any associated or subsidiary entity owned or controlled by the applicant.

If an applicant is related (as defined by the *Corporations Act 2001* (Cth)) to other potential participants in the EOI process, the applicant must provide sufficient information relating to the proposed probity arrangements to satisfy the Principal that any probity or competitiveness risks are eliminated. Depending upon the information provided, the applicant may be required to:

* provide clarification or further information;
* establish and comply with internal governance arrangements and procedures that address the Principal’s concerns about probity and competitiveness; and
* provide certification of compliance with all such arrangements and procedures.

The relationships between organisations (including the existence of related entities and common directors) will be taken into account in determining the organisations to be pre-registered. The Principal may choose to pre-register only one of any related organisations.

Submit the information required by Returnable Schedules - Applicant’s Details to demonstrate compliance with this criterion.

1. Financial Capacity

An applicant must have appropriate financial capacity. Where the applicant is a subsidiary company and does not have sufficient financial capability in its own right, the Request for EOI may be submitted in the name of the holding and subsidiary companies jointly and severally, providing the holding company meets these financial requirements.

The main criteria considered in the financial assessment of applicants include:

* net worth (total assets, excluding any assets of company directors, less total liabilities less intangible assets) exceeds 5% of the estimated contract sum or estimated initial contract price;
* current ratio (ratio of current assets to current liabilities) exceeds 1;
* working capital (current assets less current liabilities) exceeds 10% of the estimated contract sum or estimated initial contract price; and
* any other significant detrimental financial characteristics.

Deviations below these criteria will not necessarily prevent the Principal from considering any application, and this may be considered in short listing a prospective tenderer.

Successful applicants may be requested to provide additional financial information for assessment at the next stage, generally the tender/pricing phase.

Submit the information required by Returnable Schedules - Financial Information to demonstrate compliance with this criterion.

1. Work Health and Safety (WHS) Management

use WHS option 1 for projects valued at below $3m . following ENDORSEMENT by THE CONSTRUCTION LEADERSHIP GROUP (CLG) on 03 NOVEMBER 2020:

* FOR CONTRACTS WITH AN ESTIMATED VALUE LESS THAN $3M (EX GST), A CERTIFIED WHS MANAGEMENT SYSTEM IS NOT REQUIRED; BUT
* A SAFETY MANAGEMENT PLAN, AS REQUIRED BY NSW LEGISLATION, AND CONSISTENT WITH THE 6TH EDITION OF THE WHS GUIDELINES IS REQUIRED. SECTION 7 AND APPENDIX B OF THE GUIDELINES DEAL WITH THE PLAN REQUIREMENTS; AND
* THE SAFETY MANAGEMENT PLAN WILL NEED TO SATISFY THE AUDIT CHECKLIST IN APPENDIX D OF THE WHS GUIDELINES.

whs option 1

An applicant must demonstrate the capacity to manage Work Health and Safety in accordance with the NSW Work Health & Safety Management Guidelines (for Construction Procurement) (Edition 6) (WHSM Guidelines). These Guidelines are available on the buy.nsw website at <https://buy.nsw.gov.au/categories/construction>

An applicant is required to provide evidence of how it has prepared and implemented site specific Work Health and Safety management plans in accordance with WHSM Guidelines on projects.

eND OF WHS option 1

use WHS option 2 for projects valued at MORE THAN $3m and when THE CLIENT AGENCY DETERMINEs WORK BELOW $3m REQUIRES A WHS ACCREDITED SYSTEM

whs option 2

An applicant must have a Corporate WHS management system that has been accredited by either a NSW Government construction agency or by the Office of the Federal Safety Commission.

Applicants are required to provide evidence of implementation of their accredited WHS management systems on projects, including demonstrated capacity to manage work health and safety in accordance with NSW Work Health & Safety Management Guidelines (for Construction Procurement) (Edition 6) (WHSM Guidelines). These Guidelines are available on the buy.nsw website at: <https://buy.nsw.gov.au/categories/construction>.

eND OF WHS option 2

Submit the information required by Returnable Schedules - Management Systems to demonstrate compliance with this criterion.

1. Environmental Management

use em option 1 for projects valued at LESS THAN $10m or WHERE THE CLIENT AGENCY DETERMINES THE WORK DOES NOT REQUIRE AN accredited system

em option 1

An applicant must demonstrate the capacity to manage environmental matters in accordance with the NSW Government Environmental Management Guidelines (Construction Procurement) (Edition 4) (EM Guidelines) available on the Buy.nsw website at <https://buy.nsw.gov.au/categories/construction>.

Applicants are required to provide evidence of how they have implemented the management of environmental matters in accordance with the EMS Guidelines on projects.

eND OF EM option 1

use em option 2 for projects valued at $10m or more, or with a lower value where the responsible agency determines it is required because:

* + - the work is of high environmental risk;
    - the work interfaces with other projects of high environmental risk;
    - the work is otherwise sensitive in terms of the environment; or
    - the project as a whole requires its application.

delete em option 2 if it does not apply.

em option 2

Applicants must have a corporate environmental management system accredited by a NSW Government construction agency.

Applicants are required to provide evidence of implementation of their accredited corporate EMS on previous projects, including demonstrated capacity to manage environmental matters in accordance with the NSW Government Environmental Management Guidelines (Construction Procurement) (Edition 4) (EM Guidelines) available on the buy.nsw website at <https://buy.nsw.gov.au/categories/construction>.

end of em option 2

Submit the information required by Returnable Schedules - Management Systems to demonstrate compliance with this criterion.

1. Quality Management

use QM option 1 for projects valued at LESS THAN $3m or WHERE THE CLIENT AGENCY DETERMINES THE WORK DOES NOT REQUIRE MORE,

qm option 1

Applicants must demonstrate the capacity to plan and manage systematically the quality of work in accordance with the NSW Government Quality Management Systems Guidelines for Construction, which are available on the buy.nsw website at <https://buy.nsw.gov.au/categories/construction>.

Applicants are required to provide evidence of how they have implemented the management of quality management in accordance with QMS guidelines on projects.

END QM option 1

use option 2 for projects valued at $3m or more and when THE CLIENT AGENCY DETERMINEs WORK BELOW $3m REQUIRES a certified qms

Applicants must have full certification of their quality management system to AS/NZO ISO 9001:2016 or equivalent.

Applicants are required to provide evidence of implementation of their certified QMS on previous projects, including demonstrated capacity to plan and manage systematically the quality of work in accordance with the NSW Government Quality Management Systems Guidelines for Construction, which are available on the buy.nsw website at: <https://buy.nsw.gov.au/categories/construction>.

END QM option 2

The applicant must also confirm that it is willing to undergo and act upon audits carried out by the Principal.

Submit the information required by Returnable Schedules - Management Systems to demonstrate compliance with this criterion.

1. Industrial Relations Management

An applicant must demonstrate the capacity to manage systematically its industrial relations processes in accordance with the NSW Industrial Relations Guidelines: Building and Construction Procurement (NSW Guidelines). The guidelines apply to the Project and are available at <https://www.industrialrelations.nsw.gov.au/industries/key-industries-in-nsw/building-and-construction/>

Submit the information required by Returnable Schedules - Management Systems to demonstrate compliance with this criterion.

1. Skills, Training and Diversity in Construction

Include this clause and the above heading:

* for all contracts with an estimated value greater than $10M; and
* for contracts valued at up to $10M where the responsible agency requires contractors commit to supporting skills development on construction projects.

delete this clause and the above heading if not required.

Refer to the requirements of:

* the construction guideline: Skills and training; and
* PBD 2020-03: SKILLS, TRAINING AND DIVERSITY IN CONSTRUCTION.

An applicant must demonstrate the capacity to meet the requirements of the NSW Government Construction Guidelines: Skills and Training. Refer to <https://buy.nsw.gov.au/categories/construction>.

Submit the details required to complete Tender Schedules – Schedule of Skills, Training and Diversity in Construction.

End of clause – Skills training and diversity in construction.

If this clause is deleted, Delete Tender Schedules – Schedule of Skills, Training and Diversity in CONSTRUCTION.

1. Aboriginal Participation

only include the subclause and above heading:

* for all contracts with an estimated value greater than $7.5M; and
* for contracts valued at up to $7.5M where the responsible agency requires the contractor to meet specified targets for aboriginal participation.

delete this clause and the above heading if not required.

If this clause is deleted, also delete returnable Schedule - aboriginal participation information

Guide notes: It is NSW Government policy to create opportunities for Aboriginal businesses and encourage the employment and training of Aboriginal business through the supply chain of NSW Government contracts.

the REVISED ABORIGINAL PROCUREMENT POLICY (APP) APPLIES TO THE PROCUREMENT OF GOODS AND SERVICES AND CONSTRUCTION BY NSW GOVERNMENT AGENCIES FROM 1 JANUARY 2021. THE APP INCORPORATES THE PREVIOUS ABORIGINAL PARTICIPATION IN CONSTRUCTION POLICY.

the Parliament of NSW and local councils are not covered by this policy. state owned corporations may choose to adopt the policy in full or in part where it is consistent with their corporate intent.

AGENCIES MUST INCLUDE MINIMUM REQUIREMENTS FOR ABORIGINAL PARTICIPATION IN ALL CONTRACTS VALUED over $7.5 MILLION. the minimum requirement is based on 1.5% of the contract value (less exclusions) being directed to aboriginal participation.

AGENCIES CAN CONSIDER APPROPRIATE EXCLUSIONS, which MAY INCLUDE EXPENDITURE UNRELATED TO DESIGN WITH VERY LIMITED OPPORTUNITIES FOR ABORIGINAL PARTICIPATION.

AGENCIES MAY also INCREASE THE ABORIGINAL PARTICIPATION PERCENTAGE TO HIGHER THAN 1.5% IF THIS IS CONSIDERED APPROPRIATE FOR THE PARTICULAR CONTRACT. IF THIS APPLIES AMEND ALL REFERENCES TO 1.5% IN THE RELEVANT CLAUSES.

the agreement VALUE LESS THE VALUE OF EXCLUSIONS is the ‘APP CONTRACT VALUE’ and is to be confirmed by the principal at agreemet award.

To be pre-registered, applicants must demonstrate commitment and capacity to create and extend opportunities for Aboriginal people and enterprises through carrying out the work, in accordance with the NSW Government Aboriginal Procurement Policy (APP). The policy document is available from the buy.nsw website at <https://buy.nsw.gov.au/policy-library/policies/aboriginal-procurement-policy>.

Submit the information required by Returnable Schedules - Aboriginal Participation Information to demonstrate compliance with this criterion.

1. Modern Slavery

#### DEALING WITH MODERN SLAVERY

**Include the above subheading and the FOLLOWING paragraphs where the responsible agency requires the applicant to:**

* **provide the information required in Schedule- Schedule of Compliance for dealing with Modern Slavery; and**
* **comply with the requirements of *Modern slavery act NSW* (2018).**

**Otherwise delete THIS CLAUSE AND THE ABOVE HEADING**

**If this clause is deleted, also Delete Schedule – SCHEDULE OF COMPLIANCE FOR DEALING WITH MODERN SLAVERY.**

**the *Modern slavery act NSW* (2018) requires reasonable steps be taken to ensure that goods and services procured by and for government agencies are not the product of modern slavery. The act applies from From 1 January 2022. Agencies are required to include the steps taken to deal with modern slavery in their annual report.**

**Guidance on Modern slavery and procurement is available at**

[**https://buy.nsw.gov.au/resources/modern-slavery-and-procurement**](https://buy.nsw.gov.au/resources/modern-slavery-and-procurement)

Applicants must demonstrate that they understand Modern Slavery and will implement processes and procedures to identify and manage the risks of Modern Slavery.

Submit with the information required by Returnable Schedules - Schedule of Compliance for dealing with Modern Slavery.

**End – modern slavery**

1. Project Specific Evaluation Criteria

include criteria that are relevant to the proposed work. Some Commonly used criteria are shown below.

Limit the number of criteria to a maximum of five (5) to ensure the effort involved in submitting an eoi is reasonable and the evaluation process is manageable.

Include relevant returnable schedules identifying specific and assessable information for applicants to provide in order to address each criterion.

Applicants are required to respond to the following evaluation criteria by submitting the information required by the applicable Returnable Schedules:

* applicant’s experience and capability;
* proposed personnel;
* proposed consultants
* understanding of the project requirements; and
* ability to meet the project program.

The Evaluation Committee will score each criterion on the basis of information submitted. The scores will be weighted to reflect the relative importance of each criterion to the project and the Principal. The list above does not reflect the order of importance or weighting of the criteria.

The criteria are described in more detail below.

1. Applicant’s Experience and Capability

add critical project-specific requirements if applicable, eg, management of complex environmental issues, work at multiple remote sites, working together with clients or a range of stakeholders to achieve beneficial outcomes, and/or DELIVERING PROJECTs IN AN OCCUPIED/OPERATIONAL/HERITAGE BUILDINGS ENVIRONMENT. Amend the returnable schedule – applicant’s experience and capability to suit.

This criterion relates to the applicant’s:

* demonstrated successful recent experience in delivering projects of similar size, type, value and complexity;
* demonstrated achievement of satisfactory work quality within required timeframes;
* demonstrated performance in managing work health and safety on construction sites;
* demonstrated environmental management performance; and
* demonstrated commitment to cooperative contracting relationships.

Verification of the applicant’s successful experience and performance may be obtained from formal performance reports and representatives of client organisations.

To respond to this criterion, submit the information required by Returnable Schedules - Applicant’s Experience and Capability.

1. Proposed Personnel

This criterion relates to the personnel proposed by the applicant to manage the proposed project, including:

* the composition of the applicant’s team proposed for the Early Tenderer Involvement process (if applicable);
* the size, structure and relevant competencies of the proposed team;
* the proposed roles and extent of involvement of key personnel;
* the qualifications of key personnel and their demonstrated successful recent experience in carrying out similar work;
* the availability of key personnel, including the extent of their proposed involvement on the Site; and
* the availability of equivalent replacement personnel, if required.

The Evaluation Committee will assess whether an adequate level of resources is offered and whether the application demonstrates that they have the competencies required to achieve satisfactorily the desired project outcomes.

To respond to this criterion, submit the information required by Returnable Schedules - Proposed Personnel.

1. Proposed Consultants

A similar clause may be included if there is a requirement for subcontractors with specialist s kills. If so, also include an appropriate returnable schedule.

This criterion relates to the consultants proposed for design, documentation or certification, including:

* their proposed roles and extent of involvement;
* their demonstrated successful recent experience in undertaking similar services; and
* the demonstrated competencies of the personnel proposed.

The Evaluation Committee will assess the extent to which the involvement of the proposed consultants will support the achievement of the desired project outcomes.

To respond to this criterion, submit the information required by Returnable Schedules - Proposed Consultants.

1. Understanding of Project Requirements

This criterion relates to the applicant’s understanding of the work and proposed approach to likely issues and includes:

Amend the list below to reflect issues specific to the proposed PROJECT. ensure the information requested is consistent with the level of detail provided to applicants about the project.

* risk identification and risk management strategies;
* the proposed design management process;
* adequacy of the concept design to meet project objectives;
* proposed innovations that will add value to the project for the Principal;
* proposed relationship management and communication strategies;
* proposals for meeting sustainability objectives; and
* the proposed construction methodology for critical activities, including the availability and suitability of key items of plant and equipment.

To respond to this criterion, submit the information required by Returnable Schedules Understanding of Project Requirements.

1. Program

This criterion relates to the applicant’s ability to meet the indicative project program.

Amend the list below to reflect ITEMS SPECIFIC to the proposed PROJECT.

* proposed delivery program;
* the applicant’s own anticipated commitments on other works; and
* how will the applicant address and resolve anticipated as well as unexpected resourcing issues or potential conflicts.

To respond to this criterion, submit the information required by Returnable Schedules – Meeting the Project Program.

1. Submission of EOI Applications
2. Documents to be Submitted

Applicants must lodge, by the time and date stated on the cover of this Request for EOI or in the invitation, the Application Form and all the information required by the following Returnable Schedules:

ensure this list reflects the returnable schedules included in this request for eoi.

* Applicant’s Details;
* Financial Information;
* Management Systems including Work Health & Safety Management, Environmental Management, Quality Management and Industrial Relations;
* Aboriginal Participation Information;
* Applicant’s Experience and Capability;
* Proposed Personnel;
* Proposed Consultants; and
* Understanding of Project Requirements.

Also, complete and submit Returnable Schedules – Compliance of Application confirming that the required information has been provided and the application contains information relating to each evaluation criterion.

The Evaluation Committee may decide to pass over any application that does not:

* include the information required by ALL Returnable Schedules; or
* acknowledge in the Application Form that the application allows for all Addenda issued.

Do not change the text in the Returnable Schedules except to insert information. Present the application in the format required by the Returnable Schedules, with attached information in the same order as the Returnable Schedules and clear cross-references between the attachments and applicable Returnable Schedules.

All information must be current and the application should be concise. Do not submit general information, such as brochures about the applicant.

1. Lodgement Methods
2. Electronic Applications

Delete this clause and the above heading if this method is not applicable.

Agencies are expected to use the etendering system where possible. An agency may establish an etendering site or make arrangements to use the department of finance & Services etendering site BY EMAIL TO [tenders@services.nsw.gov.au](mailto:tenders@services.nsw.gov.au)

use option 1 if the nsw government Etendering website is to be used. Delete Option 2.

use option 2 if an alternative etendering system is to be used. Delete Option 1

option 1

Applicants are to lodge applications through the NSW Government eTendering website at:

[https://tenders.nsw.gov.au](https://tenders.nsw.gov.au/).

Login as an eTendering system user and enter the Request for EOI name or number in the search facility at the top right hand corner to open the relevant web page. Follow the on-screen instructions.

Access is generally available 24 hours a day, 7 days week.

Electronic lodgement of an application is evidence of the applicant’s acceptance of any conditions shown on the NSW Government eTendering website.

Applications submitted electronically will be treated in accordance with the *Electronic Transactions Act 2000 (NSW)* and given no lesser level of confidentiality, probity and attention than applications submitted by other means. Any signature requirements for an application can be satisfied by the full disclosure of the legal entity lodging the application, the official position of the person authorised to lodge the application on behalf of that entity and the person’s name.

Applications submitted electronically must be in a file format that can be read, formatted, displayed and printed by Microsoft Word 2003, or any other format required by the Request for EOI. Electronic applications may be compressed in any format that can be decompressed by WinZip. Applicants must not submit self-extracting (\*.exe) zip files.

use the following paragraph where CAD files are to be submitted, otherwise delete.

Any computer-aided design (CAD) files submitted with an electronically lodged application must be in DGN, DWG or DXF format. Applicants must ensure that any CAD files submitted will correctly display and print in Microstation.

end of paragraph

An application that cannot be evaluated because it is incomplete or electronically corrupted may be passed over.

End of option 1

option 2

Applicants are to lodge applications in the electronic tender box at:

Insert the web address of the electronic tender box.

»

Insert any specific requirements, other wise delete insertion point.

Electronic applications must »

End of option 2

1. Late Applications

In accordance with the NSW Government *Supplier Code of Conduct*, late applications will not be accepted unless the lateness does not compromise the integrity and competitiveness of the EOI process. Any application that is not received in full by the closing time and date may be passed over.

Where an application is received by post after the closing time and date, the applicant may need to satisfy the Principal that all the required information was posted or lodged at a Post Office or other recognised delivery agency at a time that should reasonably have allowed delivery before the closing time and date.

DELETE THE FOLLOWING PARAGRAPH IF FACSIMILE METHOD OF LODGEMENT IS NOT APPLICABLE

Applications sent by facsimile and not completely received by the closing time and date may be passed over even if transmission or receipt is delayed due to the receiving facsimile machine being engaged, faulty or otherwise inoperative.

1. Applicants to inform themselves

Applicants shall be deemed to have:

* examined the invitation documents and any other information made available in writing by the NSW Government to applicants for the purpose of responding to the invitation;
* examined all information relevant to the risks, contingencies, and other circumstances having an effect on their Request for EOI application and which is obtainable by the making of reasonable enquiries; and
* satisfied themselves as to the correctness and sufficiency of their Request for EOI applications and that their responses cover the Request for EOI conditions and all matters and things necessary for the due and proper performance and completion of the work described in the invitation documents.

Should an applicant find any discrepancy, error or omission in the Request for EOI the applicant shall notify the Contact Officer in writing on or before the closing date and closing time.

1. After EOI Applications Close
2. Evaluation of Applications

The Evaluation Committee will evaluate each application in accordance with the evaluation criteria set out in Section 3 of this Request for EOI.

The evaluation will be based on information provided with the application. Any information required by the Request for EOI which is omitted, illegible or unintelligible may be treated as failing to fulfil the relevant requirement.

The Evaluation Committee may request some or all applicants to provide additional information to clarify aspects of their applications, either in writing or during post-tender interviews. If a written response is requested, it must be provided within 48 hours after the request is received.

The Evaluation Committee may make enquires to establish the past performance of applicants in respect of similar work.

All information submitted in the application or obtained subsequently by the Evaluation Committee will be treated as confidential.

1. Mandatory Evaluation Criteria

Any application that does not demonstrate that the applicant meets all the mandatory evaluation criteria listed in Section 3 will be eliminated from consideration.

Legal Entity

A search may be undertaken to verify that an applicant is a bona-fide registered company or business.

Applicants may be required to provide evidence of the legal entity submitting the EOI by providing a copy of an official document such as:

* company registration and names of office bearers issued by the Australian Securities and Investments Commission; or
* a statement confirming the legal entity, signed by a practicing solicitor.

Financial Capacity

To assist in confirming that an applicant has adequate financial capacity, the Evaluation Committee may:

* request further information from the applicant;
* hold discussions with relevant personnel representing the applicant;
* hold discussions with referees, including clients of the applicant; and/or
* obtain a financial assessment from an independent financial assessor.

1. Project Specific Evaluation Criteria

Applications will be evaluated in terms of the project specific evaluation criteria listed in Section 3, using a weighted scoring process. Any application that does not demonstrate that the applicant meets the minimum standard required by the Evaluation Committee for any one of the criteria may be eliminated from consideration.

The past performance of applicants will be assessed using:

* Contractor Performance Reports lodged under the Performance Management System managed by NSW Procurement; and/or
* information obtained from contact persons from client organisations.

Client contact persons may be interviewed by telephone or asked to complete a written survey confirming the applicant’s past performance in terms of the performance indicators and scoring system set out in the Contractor Performance Report*.*

1. Outcome of the EOI process

The decision to pre-register an applicant, with or without conditions, is at the sole discretion of the Principal. The Principal will not be liable for any costs or damages incurred by applicants through exercising this discretion.

Applicants may be pre-registered even if their applications do not conform strictly to all requirements of the Request for EOI. Note that pre-registration does not constitute entering into a contract for the proposed work.

Applicants will be advised in writing whether they are to be pre-registered or were unsuccessful.

On request, the Contact Person will arrange a debriefing for any unsuccessful applicant, in accordance with the NSW Government Code of Practice for Procurement. An unsuccessful applicant will not be provided with information specifically comparing its application with those of other applicants. No rating data will be provided.

1. Disclosure of Information

Details of this EOI and the outcome of the tender process will be disclosed in accordance with the *Government Information (Public Access) Act (NSW)* 2009.

1. Changes in Circumstances

Applicants must advise the Contact Person immediately in writing of any material change to the information contained in the Request for EOI application, including any substantial change in their ownership or their financial or technical capacity. Copies of relevant documents must be submitted with the advice. For successful applicants, this requirement applies until a contract is awarded as a result of any subsequent tendering process.

It is expected that key personnel nominated in the application will be utilised, in the capacity indicated, during any early tender involvement process and the resulting contract. If any such key personnel become unavailable the applicant must advise the Contact Person and provide relevant details of a replacement together with an updated Returnable Schedule. The replacement must have equivalent expertise and experience. Such changes will be taken into account in selecting tenderers and evaluating tenders.

1. Publicity

Pre-registered applicants must not advertise or publish their pre-registration in any form without the prior written consent of the Principal until they are formally invited to tender for the proposed project.

1. Protection of Privacy

The applicant warrants that information provided in the application is accurate, up to date and complete, and that nominated individuals authorise its collection and are aware:

* that the information is being collected for the purpose of evaluating EOI applications and may be made available to the Pricnipal and its agents for that purpose;
* of any consequences for the individual if the information (or any part of it) is not provided;
* if the supply of information by the individual is required by law or is voluntary; and
* of the existence of any right to access or correct the information.

1. Exchange of Information between Government Agencies

By submitting a Request for EOI application, the applicant authorises the Principal to gather, monitor, assess, and communicate to other NSW Government agencies or local government authorities information about the applicant’s financial position and its performance in respect of any contract that may be ultimately awarded. Such information may be used by those agencies or authorities in considering whether to offer the applicant future opportunities for work.

1. Appendix
2. EARLY TENDERER INVOLVEMENT

IF EARLY TENDERER INVOLVEMENT (ETI) IS TO BE INCLUDED IN THE request for eoi, include the following clauses after clause 1.3. IF ETI is NOT REQUIRED, DELETE THIS APPENDIX 1

1.4 the Proposed Tendering Process (Optional clauses to be used for ETI)

Describe any unusual features of the proposed tendering process, eg, if early tenderer involvement is proposed or presentations will be required from tenderers.

»

include the following subclause if there will be an eti process. amend as required to suit the ETI PROCESS THAT WILL BE IMPLEMENTED BY THE AGENCY CLIENT.

1.4.1 Early Tenderer Involvement

Applicants must be construction contractors who are prepared to participate in an Early Tenderer Involvement (ETI) process as described below. The successful applicants will be selected as ‘Prospective Tenderers’ and invited to participate in the ETI process.

A detailed timetable for the ETI process will be provided to the Prospective Tenderers. It will include dates, times and locations for workshops and dates for submissions. The draft contract documentation and design information and a Draft Contract Risk Allocation Register (DCRAR) will be issued to Prospective Tenderers approximately one week before the first ETI workshop.

The ETI process is designed to assist the agency responsible for the work, the Principal in the proposed construction contract and the Contractor to deliver the contract such that it meets project objectives. The ETI process will make use of the Prospective Tenderer’s construction skills and experience to finalise the Request for Tender (RFT) Documents, including developing the Principal’s design and allocating risks within the construction contract.

The Principal and the Principal’s project manager will work collaboratively with the Prospective Tenderers throughout the ETI process and will evaluate their performance. Prospective Tenderers may be invited to submit tenders, subject to their performance during the ETI process.

To enable all parties to gain the maximum benefit from the ETI process, it is important to have continuity of key personnel throughout the ETI process, the subsequent pricing/tender phase and delivery of the construction contract.

It is expected that each Prospective Tenderer will be represented throughout the ETI process by a minimum of three key people, including the proposed Contractor’s Senior Executive, Contractor’s Authorised Person and the Environmental, WHS or Quality Manager. Prospective Tenderers may choose to involve other staff in the ETI process as they consider appropriate. The attendance and proactive, ongoing involvement of these key personnel will be taken into account in determining which Prospective Tenderers will be invited to submit a tender and ultimately in selecting the construction contractor.

insert an appropriate compensation amount. $15,000 may be reasonable depending on factors, such as the length and location of workshops and the amount of input expected from prospective tenderers.

Prospective Tenderers will be entitled to compensation for their participation in the ETI process up to a maximum amount of $» (inclusive of GST). Apart from paying this fee, the Principal will not bear any costs incurred by Prospective Tenderers for participation in the ETI process and any subsequent dialogue with the Principal.

Prospective Tenderers will be required to bear all tendering costs after they are advised that they will be invited to participate in the pricing/tender phase.

The objectives of the ETI process are to:

* ensure the prospective tenderers are fully informed about the design, the commercial conditions of the proposed contract and the expectations of the Principal and its agents;
* ensure the proposed design is practical from a construction perspective;
* confirm assumptions regarding the programming of critical aspects of the work;
* resolve at the earliest possible time whether the Principal would be prepared to consider any alternative designs or conditions that Prospective Tenderers are considering in order to reduce the risk of wasted effort and expense for Prospective Tenderers;
* engage with Prospective Tenderers to obtain their collective input into the RFT Documents, including working with the Prospective Tenderers to ascertain ideas on how to enhance those documents, for example, in respect of the proposed risk allocation;
* resolve any uncertainties in relation to the proposed technical specifications and commercial conditions so that the tenders submitted are unqualified and fully conform with the RFT Documents;
* confirm that the key project and construction risks have been identified;
* determine appropriate allocations of risk to give adequate protection to the Principal while ensuring that tenderers do not need to include unnecessary contingencies in their tender prices; and
* identify and resolve ambiguities, discrepancies, inconsistencies, errors or omissions in the draft RFT Documents before the pricing/tender phase commences with the aim of minimising, if not eliminating, the need for any Requests for Information (RFI) during delivery of the construction contract.

1.4.2 Process Steps

The proposed ETI process is summarised below. Further details will be provided to the Prospective Tenderers after they are selected.

Step 1

Include details specific to the proposed workshop and site inspection.

Prospective Tenderers will be invited to attend a two day workshop near the site of the work where all aspects of the proposed construction contract will be presented. This will include the draft RFT Documents and the DCRAR detailing how the Principal has allocated risks in the draft documents.

A guided site inspection will be held on the afternoon of the first day.

Step 2

The Prospective Tenderers will be asked to review the draft RFT Documents, to suggest enhancements, particularly from a ‘constructability’ perspective, and to identify ambiguities, errors, omissions or any other matters requiring clarification. Prospective Tenderers will be required to respond in writing to the Principal by a set time and date.

Prospective Tenderers may identify issues or opportunities or corporate requirements that differ from the requirements of the draft RFT Documents and that they believe are commercial-in-confidence in relation to their future tender. They will be asked to provide details of such matters to the Principal for confirmation that any suggested amendments would be considered. The objectives are to ensure that:

* Prospective Tenderers do not incur unnecessary expense in pursuing an unacceptable option; and
* the tenders are acceptable to the Principal.

Commercial-in-confidence information provided by a Prospective Tenderer will remain solely between the Principal and that Prospective Tenderer. The Principal will share all other feedback with all Prospective Tenderers.

Step 3

The Principal will review all feedback obtained at the first ETI workshop and in subsequent submissions, amend the draft RFT Documents and DCRAR as appropriate and re-issue them before the second ETI workshop.

Step 4

Include appropriate details.

A second two day ETI workshop will be held at ».

All Prospective Tenderers will attend the workshop on Day 1. Feedback from the first workshop and subsequent submissions will be discussed, together with the Principal’s responses. Information identified as commercial-in-confidence will not be discussed unless agreed by the party providing the information.

On Day 2, each Prospective Tenderer will be interviewed separately by the Principal. The order of the interviews will be determined by the Principal and advised to the Prospective Tenderers when the draft RFT Documents are reissued for the second ETI workshop.

The Principal may make further changes to the draft RFT Documents as a result of this second ETI workshop.

Step 5

The Principal will then complete the process of determining which of the Prospective Tenderers will be invited to participate in the pricing/tender phase and advise all Prospective Tenderers of the determination.

Step 6

The Principal will finalise the RFT Documents and Contract Risk Allocation Register, taking into account feedback from the Prospective Tenderers.

The pricing/tender phase will commence as soon as possible after final amendments are made to the documentation and any necessary approvals have been received from regulatory authorities. Changes made to the documentation will be advised to tenderers at the start of this phase.

INSERT NAME OF CONDITIONS OF CONTRACT, EG, GC21.

It is noted that, despite the review and detailed feedback from Prospective Tenderers aimed at resolving ambiguities, discrepancies, inconsistencies, errors and omissions in the draft documentation, the Principal will remain responsible for the accuracy of the final Contract Documents as specified in the » General Conditions of Contract.

end of subclause – early tenderer involvement

if eti clauses are used, REPLACE option 1 at clause 1.4 Indicative tmetable WITH OPTION 2 BELOW

option 2

An indicative timetable for the procurement process, including predicted key completion dates, is as follows:

Amend the table below as required. Insert applicable dates.

|  |  |
| --- | --- |
| Expressions of Interest close: | » |
| Prospective Tenderers notified: | » |
| Draft RFT Documents and Draft Contract Risk Allocation Register (DCRAR) issued: | » |
| Site inspection & first ETI workshop held (2 days): | » |
| Detailed written feedback received from Prospective Tenderers: | » |
| Updated draft RFT Documents, DCRAR & all feedback received from Prospective Tenderers issued (except for feedback stated to be commercial-in-confidence): | » |
| Second ETI workshop & interviews held: | » |
| Prospective Tenderers advised who will be invited to submit a price tender: | » |
| Final RFT Documents issued: | » |
| Tenders close: | » |
| Contract awarded: | » |
| All work under the contract completed: | » |

Note that the date for closing of tenders and the completion period for the construction contract will be finalised after taking into account feedback received during the ETI process and the final scope of the work under the construction contract.

end of option 2