ATTACHMENT A - DECLARATION BY RESPONDENT

## Offer

The respondent expresses interest in providing the Requirements on the terms and conditions set out in the REOI.

## Conflict of Interest

The respondent represents that, having made all reasonable enquiries, it either:

* does not have any known actual or potential conflicts of interest in respect of the REOI, its EOI or the provision of the Requirements or
* has in this Declaration declared all such actual or potential conflicts to the High Court.

The respondent represents that, having made all reasonable enquiries, the following represents its only known actual or potential conflicts of interest in respect of the REOI, its EOI or the provision of the Requirements:

* *List*

The respondent undertakes to advise the High Court in writing of all actual or potential conflicts of interest in respect of the REOI, its EOI or the provision of the Requirements immediately upon becoming aware of the same.

## Improper Assistance

The respondent represents that:

* this EOI has been compiled without the improper assistance of any High Court employee and without the use of information obtained unlawfully or in breach of an obligation of confidentiality to the High Court and
* it has not contravened paragraph 23 of the REOI.

## Further Representations and Acknowledgements

The respondent makes the following further representations to the High Court:

* it has examined the REOI all documents referred to in the REOI and all other information made available to it and all applicable legislation and policies
* it has examined all further information which is obtainable by making reasonable enquiries relevant to the risks, contingencies and other circumstances having an effect on its EOI
* it has satisfied itself as to the correctness and sufficiency of its EOI
* it has relied entirely on its own enquiries and has not relied on any representation, warranty or other conduct by or on behalf of the High Court, except as expressly provided in the REOI or in notices received by it and
* its EOI is fully compliant with the requirements of the REOI, the documents attached to or comprised in the REOI and all documents to which it refers.

The respondent acknowledges that:

* the High Court may exercise any of its rights set out in the REOI, at any time
* the statements, opinions, projections, forecasts or other information contained in the REOI may change
* the REOI is a summary only of the High Court’s requirements and is not intended to be a comprehensive description of it
* neither the release of the REOI or any addendum nor the lodgement or acceptance of any EOI nor any agreement made subsequent to the REOI will imply any representation from or on behalf of the High Court that any information contained in the REOI is or was complete, accurate or up to date at any point in time or that there has not been a material change since the date of the REOI or since the date as at which information is stated to be applicable
* except as required by law and only to the extent so required, neither the High Court, nor its respective officers, employees, advisers or agents will in any way be liable to any person or body for any loss, damage, cost or expense of any nature arising in any way out of or in connection with any representations, opinions, projections, forecasts or other statements, actual or implied, contained in or omitted from the REOI and
* the respondent has sought its own professional advice as appropriate and has not construed the REOI as investment, legal, tax or other advice.

## Confidentiality

The respondent acknowledges that the High Court may disclose, and consents to the High Court disclosing, any information provided by the respondent, whether confidential or not:

* to its advisers or employees solely in order to evaluate or otherwise assess the EOI
* to its internal management personnel solely in order to evaluate or otherwise assess the EOI
* by the High Court to the responsible Minister
* by the High Court, in response to a request by a House or a Committee of the Parliament of the Commonwealth of Australia
* by the High Court within the High Court’s organisation, or with another agency, where this serves the legitimate interests of the Commonwealth
* where the information is authorised or required by law to be disclosed
* where the information is in the public domain otherwise than by a High Court disclosure and
* where the disclosure is required to meet the High Court’s reporting or accountability requirements, including, without limitation:
	+ - under the Financial Management and Accountability Act 1997
		- to the Australian National Audit Office or any other auditor appointed by the High Court
		- in accordance with the provisions that require notification of High Court contracts in the Commonwealth Government Gazette
		- in accordance with the *Requirements for Departmental Annual Reports* (published by the Department of the Prime Minister and Cabinet) and
		- to the Commonwealth Ombudsman.

## Equal opportunity for women

The respondent represents that, it is not currently named as not complying with the *Equal Opportunity for Women in the Workplace Act 1999* (Cth).

## Employee entitlements

The respondent represents that, having made all reasonable enquiries, as at the date of this Declaration, there are currently no unsettled judicial decisions against the respondent in respect of unpaid employee entitlements (not including decisions under appeal).

## Compliance with Fair Work Principles

The respondent has read and understood the Fair Work Principles User Guide and understands that the Fair Work Principles will apply to this procurement.

The respondent represents the following:

* the respondent has had \_\_\_\_\_\_ *[NIL or specify number]* adverse Court or Tribunal decision(s) for a breach of workplace relations law, occupational health and safety law or workers' compensation law in the two years preceding the date of this REOI

**Note:** in the following two subparagraphs strike through whichever option does not apply. If the response to the subparagraph above is NIL, strike through both of the following two paragraphs.

* the respondent has fully complied, or is fully complying, with all penalties or orders arising from the Court or Tribunal decisions declared above
* the respondent has not fully complied with, or is currently not fully complying with \_\_\_\_\_ *[insert number]* of the penalties or orders arising from the Court or Tribunal decisions declared above and has provided as part of its respondent's response information about each of these penalties or orders in the form required in Appendix A to the Fair Work Principles User Guide

**Note:** respondents must provide additional information about each decision declared above as specified in Appendix A to the Fair Work Principles User Guide. Respondents should note that they will not be eligible for further consideration for this procurement if they have not fully complied with, or are not fully complying with, any Court or Tribunal decision, or have not appealed the decision prior to the end of the appeal period.

* the respondent understands its obligations under all applicable workplace relations, occupational health and safety and workers' compensation laws. The respondent undertakes that it complies with all of these obligations
* the respondent confirms that (except where it is an overseas based supplier to which these requirements do not apply in accordance with the Fair Work Principles User Guide) it:
	+ - has consultation arrangements which encourage cooperation and engagement of employees and management and
		- understand and respects its employees' rights in relation to freedom of association and the right to representation at work, including that the respondent allows its employees to be able to make a free and informed choice about whether to join a union and be represented at work
* where the respondent has a *Fair Work Act 2009* enterprise agreement that was approved on or after 1 January 2010 that enterprise agreement includes a genuine dispute resolution procedure that includes the following:
	+ - the ability for employees to appoint a representative in relation to the dispute
		- in the first instance procedures to resolve the dispute at the workplace level
		- if a dispute is not resolve at the workplace level, the capacity for a party to the dispute to refer the matter to an independent third party for mediation or conciliation and
		- if the dispute is still not resolved, the capacity for an independent third party to settle the dispute via a decision binding on the parties
* if at any time prior to entry into a contract with the preferred respondent, any information provided in this Declaration changes, the respondent agrees to advise the High Court of that change within seven calendar days.

## Important Notice and Disclaimer

The tenderer has observed and accepted each of the matters set out in the Notice and Disclaimer annexed to this Declaration.

## Acknowledgement

The respondent acknowledges that the High Court has received this EOI in reliance on this Declaration. The respondent acknowledges that the High Court may suffer loss if any of the representations, undertakings, consents or other statements in this Declaration or the respondent’s EOI are misleading or deceptive.

**Dated:**

**Duly Authorised to Sign EOIs for and on Behalf of** (state full name of respondent)

|  |
| --- |
| **SIGNATURE OF REPRESENTATIVE** |
|  |

|  |
| --- |
| **NAME OF REPRESENTATIVE (In Block Letters)** |
|  |

|  |
| --- |
| **POSITION OF REPRESENTATIVE (In Block Letters)** |
|  |

|  |  |
| --- | --- |
| **SIGNATURE OF WITNESS** | **ADDRESS OF WITNESS** |
|  |  |

|  |  |
| --- | --- |
| **REFER ENQUIRIES TO:**(Name in Block Letters) | **TELEPHONE NO.** |
|  |  |

**Important Notice and Disclaimer**

The REOI is not an offer to enter into a contract, or any sort of recommendation, and does not include any investment, accounting, financial, legal or tax advice.

The REOI has been prepared for the sole use of respondents in deciding whether to proceed with an EOI or to undertake further investigation of the opportunity for the provision of the Requirements. Neither the information in the REOI nor any other information provided to respondents by the High Court, its officers, employees, agents or advisers contains or purports to contain all the information that an interested respondent would desire or require to assess the opportunity for the provision of the Requirements.

The High Court, its officers, employees, agents and advisers:

* + - 1. are not, and will not be, responsible, or liable for the accuracy, currency, reliability or completeness of any information provided to respondents
			2. make no express or implied representation or warranty that any estimate or forecast will be achieved or that any statement as to future matters will prove correct
			3. expressly disclaim any and all liability arising from all information provided to respondents including errors in, or omissions contained in the information
			4. except so far as liability under any statute cannot be excluded, accept no responsibility arising in any way from errors in, or omissions from the REOI or any information provided to respondents or in negligence
			5. do not represent that they apply any expertise which can be relied upon by any respondent or any other interested party
			6. have no responsibility to inform any respondent of any matter arising or of which they become aware which may affect or qualify any information provided to respondents in any way
			7. accept no liability for any loss or damage suffered by any person as a result of that person, or any other person, placing any reliance on the contents of the REOI or any information provided to respondents and
			8. assume no duty of disclosure or fiduciary duty to any interested party.

Each respondent must independently satisfy itself as to the accuracy of the REOI and all information provided to respondents and must conduct its own inquiries, investigations, analysis and appraisal of, and must seek appropriate professional advice about the REOI and all information provided to respondents and of:

* + - 1. the Requirements and
			2. all assumptions, uncertainties and contingencies which may affect the High Court’s future business.

Each respondent must decide whether to submit an EOI on the basis of its own due diligence investigations, inquiries, advice and knowledge and the High Court and its officers, employees, agents and advisers are not under any duty at any time to disclose any fact, matter or circumstance concerning the High Court, the Requirements or anything else.

Neither the delivery of the REOI nor any other agreement made on the basis of the REOI nor any other information provided to respondents may, under any circumstances, be taken to create an implication that there has been, or will be, no material change in the affairs of the High Court as and from the date of issue of the REOI.

There is no obligation on the part of the High Court to any respondent in respect of any agreement a respondent has made or may make or purport to make prior to the execution of the formal written contract and no agreement concerning the matters in the REOI unless, and until, a formal written contract is executed.

The provisions of this notice and disclaimer apply in relation to the REOI and other information provided to respondents and for the benefit of the High Court and its officers, employees, agents and advisers.

ATTACHMENT B - RESPONDENT DETAILS

|  |  |
| --- | --- |
| Respondent Name |  |
| Registered Office |  |
| Principal Place of Business |  |
| Date and Place of Incorporation |  |
| Trading and Business Names |  |
| Registered Business Number |  |
| Australian Business Number |  |
| Registered for GST? | Yes | No |
| Office Hours | Week days | Emergency after hours |

## Contact Person

|  |  |
| --- | --- |
| Name: |  |
| Position |  |
| Address: |  |
| Phone Number: |  |
| Fax Number: |  |
| Email: |  |

ATTACHMENT C - EVALUATION CRITERIA RESPONSE SCHEDULES

Schedule 1 Understanding of Requirements

Schedule 2 Technical and Management Capability

Schedule 3 Experience and Demonstrated Expertise

Schedule 4 Client Focus

Schedule 5 Financial Viability and Organisational Stability

SCHEDULE 1 - Understanding of the Requirements

Respondents should demonstrate their understanding of the Requirements.

At a minimum, respondents should provide the following information.

* 1. General requirements

Respondents should demonstrate their appreciation of:

* + - 1. Understanding of design requirements
			2. the projects / trades required to realise the project; and
			3. the risks associated with undertaking tasks.

SCHEDULE 2 - Technical and Management Capability

Respondents should demonstrate their technical and management capability to deliver the Requirements.

At a minimum, respondents should provide the following information.

* 1. General requirements

Respondents should provide full details of the skills and qualifications of their proposed personnel (including all subcontractor personnel).

* 1. Specific requirements

Respondents should provide full details of:

* + - * 1. their proposed internal management structures and
				2. all proposed backup personnel to cover for unforseen absences of proposed personnel.

Respondents should supply detailed curricula vitae providing the following information for each of their proposed personnel and backup personnel:

* + - * 1. proposed role
				2. previous experience
				3. qualifications
				4. security and Police clearances
				5. proposed percentage involvement in undertaking the Requirements and
				6. capacity and current workloads.

Respondents should indicate whether they are accredited, or whether they are seeking accreditation, under the Australian Government Building and Construction OHS Accreditation Scheme.

SCHEDULE 3 - Experience and Demonstrated Expertise

Respondents should provide full details of their experience and demonstrated expertise.

At a minimum, respondents should provide the following information.

* 1. General requirements

Respondents should provide full details of their relevant previous experience in similar projects, including work in heritage buildings.

* 1. Specific requirements

Respondents should nominated at least three reference projects.

Respondents should provide the following information in respect of each their nominated reference projects:

* + - * 1. an explanation of the relevance of those reference projects to the Requirements
				2. a description of the services delivered by them on those reference projects and
				3. the following details of at least one contact person:

i name

ii title and

iii telephone number.

SCHEDULE 4 - Client Focus

Respondents should demonstrate their client focus in delivering the Requirements.

At a minimum, respondents should provide the following information.

* 1. General requirements

Respondents should provide full details of how they propose to develop and maintain the required business relationship with the High Court and an understanding of the High Court's project requirements.

At a minimum, respondents should provide the information requested below.

* 1. Specific requirements

Respondents should demonstrate their understanding of the High Court’s requirements.

Respondents should provide full details of their proposed processes for the following:

* + - * 1. engagement with the High Court as a client
				2. communications with the High Court
				3. dispute resolution and escalation and
				4. management of contract variations.

Respondents should also:

* + - * 1. provide an outline of how they will manage their relationship with the High Court and demonstrate their capacity to maintain regular and ongoing collaborative relationships with relevant personnel within the High Court and remain responsive to client needs when working with multiple teams and a changing environment and
				2. provide an outline of appropriate protocols and processes with particular emphasis on the High Court’s obligations as an institution of national and international significance.

SCHEDULE 5 - Financial Viability and Organisational Stability

Respondents should demonstrate that they have the financial viability and organisational stability to deliver the Requirements.

At a minimum, respondents should provide the information requested below.

* 1. Financial viability

Respondents should provide full details of whether they or their nominated subcontractors have suffered any of the following events in the last three years:

* + - * 1. a meeting of creditors being called or held
				2. a liquidator, provisional liquidator or administrator being appointed
				3. a controller (as defined in section 9 of the *Corporations Act 2001* (Cth) or analogous person being appointed, including in respect of any of their property
				4. failing to comply with a statutory demand in respect of the payment of any debt
				5. becoming unable to pay debts as they fall due or otherwise becoming insolvent
				6. becoming incapable of managing its own affairs for any reason
				7. taking any step resulting in insolvency under administration (as defined in section 9 of the *Corporations Act (Cth)* 2001)
				8. any action being commenced to bankrupt or wind up its affairs or
				9. entering into a compromise or arrangement with, or assignment for the benefit of, any of its creditors or any analogous event.
	1. Organisational stability

Respondents should provide:

* + - * 1. a brief organisational history
				2. a summary of their corporate structure (including a full “family tree” providing details of all holding companies and subsidiaries) and
				3. a list of the directors or partners of the organisation