

TRANSPORT FOR NSW
CONTRACT DOCUMENT C11-2
RETURNABLE SCHEDULES
REGISTRATION OF INTEREST for CONSTRUCT ONLY
MAJOR ROADWORKS AND BRIDGEWORKS CONTRACTS
REVISION REGISTER

Ed/Rev Number	Clause Number	Description of Revision	Authorised By	Date
Ed 1/Rev 0		New document	Director, Commercial Services	15.08.17
Ed 1/Rev 1	Schedule 5 7(a)(i), 7(b)(ii) & 9(b) and Attachment A Item 3	Revised to reflect the introduction of the Work Health and Safety Regulation 2017, replacing the 2011 Regulation	Director Commercial Services	29.09.17
Ed 1/Rev 2		Reference to RMS changed to TfNSW	Director Commercial Services	01.12.19



RETURNABLE SCHEDULES FOR
INVITATION TO SUBMIT A REGISTRATION
OF INTEREST
MAJOR ROADWORKS AND
BRIDGEWORKS (CONSTRUCT ONLY)

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IC-QA-C11-2

VERSION FOR: DATE:

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Schedule 1: ROI Application Form

TO: **Transport for NSW** (ABN 18 804 239 602) a NSW Government agency constituted under the *Transport Administration Act 1988* (NSW) (**TfNSW**)

BY: **[ROI Applicant to insert name including ABN and ACN where applicable]**

We refer to the Invitation to Submit a Registration of Interest in respect of the construction of *[TfNSW to insert the Project name]* ("**ROI Invitation**").

Terms used in this ROI Application Form have the meaning given to them in the ROI Invitation.

Acknowledgment

We acknowledge and agree that:

- the ROI Invitation does not create any legal relationship or obligations on TfNSW and we submit our ROI Application fully understanding and accepting all of the terms of the ROI Invitation;
- TfNSW does not warrant or assume any responsibility for, or make any representations about, the accuracy, suitability or completeness of the ROI Invitation;
- TfNSW does not owe any duty of care or other responsibility to us with respect to the ROI Invitation; and
- TfNSW will be relying upon each of the representations and warranties given by us in our ROI Application in short-listing the ROI Applicants.

Compliance with ROI Invitation and Code of Practice for Procurement

We confirm that, having made diligent inquiries of all relevant personnel, we have complied with all applicable requirements of the ROI Invitation and the NSW Government Code of Practice for Procurement.

No Collusion

We warrant that in preparing our ROI Application we did not communicate (verbally or otherwise) or have any arrangement or arrive at any understanding with any other ROI Applicants which in any way reduced, or could have the effect of reducing, the competitiveness of the assessment process.

Sharing of Information between Government Agencies

We authorise TfNSW to make information about our performance, claims record (both past, present and future) and financial affairs available to other NSW Government agencies, Local Government authorities and members of Austroads Incorporated.

We release TfNSW and all other agents of the Crown in right of New South Wales from claims and actions which we or a person claiming on our behalf may otherwise be entitled to make in connection with the sharing of information.

Financial Details

We have sufficient financial resources to satisfactorily complete the Project. We agree to provide all financial information when requested by TfNSW, in relation to all entities (to the extent relevant to our ROI Application) as set out in clause 7.11 of the ROI Invitation and of the same kind as is described in Returnable Schedule 7 of the ROI Invitation, for use by TfNSW in assessing the capability of these entities to deliver the Project.

Acknowledgement of Probity Requirements

We acknowledge that TfNSW may request each of our Participants to activate the existing or enter into the new probity deed with TfNSW (to the extent relevant to each Participant), in the event that we are shortlisted to proceed to the RFT Phase and prior to the issue of the Request for Tender documents. We agree to do so when requested by TfNSW.

Acknowledgement of Joint Venture Binding Agreement Requirement

Where we submit our ROI Application as an unincorporated joint venture, we acknowledge and agree that:

- in the event that we are shortlisted as a Tenderer and prior to proceeding to the RFT Phase, the joint venture Participants are prepared to provide a binding agreement between the Participants that is acceptable to TfNSW; and
- in the event that we are selected as a Recommended Tenderer, we will execute that agreement before we are awarded the Contract to construct the Project.

Acknowledgment of Addenda

We acknowledge that we have received the addenda listed below and that we have taken them into account in preparing our ROI Application. We confirm that the information provided in our ROI Application is accurate at the date of this Form and has been provided after making all due enquiries.

Addenda received and taken into account

[ROI Applicant to insert number and date of each addendum]

Addendum No.:

Date:

SIGNED by [INSERT NAME AND POSITION OF SIGNATORY])
for and on behalf of the)
ROI Applicant in the presence of:)

**Invitation to Submit a Registration of Interest
Returnable Schedules**

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Witness:

.....

Print name and position:

.....

Date:.....

Schedule 2: ROI Applicant's Details

a) ROI Applicant's Details

Details Required:	ROI Applicant's Response	
Name of organisation submitting the ROI Application:	»	
ABN:		
ACN:		
Trading name (if applicable):	»	
Business Address:	»	
The ROI Applicant is a: (tick the applicable box)	<input type="checkbox"/> Company <input type="checkbox"/> Incorporated Joint Venture <input type="checkbox"/> Unincorporated Joint Venture	<input type="checkbox"/> Trustee for a Trust <input type="checkbox"/> Other (provide details)
Date of incorporation (where relevant)		
Contact persons responsible for responding to enquiries regarding the ROI Application (names, emails & phone nos.):	Contact 1:» Contact 2:»	
On or after 2 December 2016, has the ROI Applicant, or a related entity of the ROI Applicant, submitted a response to an expression of interest or tender (howsoever described) for <i>Commonwealth</i> funded <i>Building Work</i> (regardless of whether or not that project was procured by TfNSW or whether or not the ROI Applicant or the ROI Applicant's related entity were successful)?	Yes / No	
The name & ABN of the ultimate holding company (where the ROI Applicant is a subsidiary company):	»	
The names & ABNs of divisions and subsidiaries (where the ROI Applicant is a holding company)		

b) Participants' Details

(3 No. A4 pages for each Participant)

Where the ROI Applicant comprises of more than one Participant, the ROI Applicant must provide the following details:

- i) details set out in the table above for each Participant;
- ii) the relationship and the clear definition of risk allocation between the Participants;
- iii) a summary of the roles of each of the Participants.

c) Related Companies Details

(6 No. A4 pages)

Where a Related Company of the ROI Applicant or its Participants is or may in the future be involved as a Participant for a different ROI Applicant, or in relation to a different ROI Application, the ROI Applicant must provide details of:

- i) the relationship between the Related Companies;
- ii) the processes by which decisions concerning the ROI Applicant's Tender will be made and responsibilities discharged during the selection process, should the Applicant be invited to submit a Tender;
- iii) any internal governance arrangements and other procedures which the Applicant has or will put in place to address and resolve probity and competitiveness issues; and
- iv) the manner by which compliance with such internal governance arrangements and other procedures will be certified.

Schedule 3: Minimum Prequalification Levels

Refer to clause 7.1 of the ROI Invitation.

The ROI Applicant is required to be prequalified with TfNSW under the National Prequalification System for Civil (Road and Bridge) Construction Contracts at the prequalification categories and levels (**or higher**):

Category	Prequalification Level
Financial	[TfNSW to insert level]
[TfNSW to insert as relevant to the Project i.e. roadworks or bridgeworks. Where the ROI Applicant must be prequalified at both categories, insert additional line]	[TfNSW to insert level]

Evidence of the above prequalification is to be provided as an Attachment to this Returnable Schedule 3.

In the event that the ROI Applicant is an unincorporated joint venture, requirements of clause 7.1.1 of the ROI Invitation apply.

Prequalification will also be required for the Project under the following categories:

Category	Prequalification Level
[TfNSW to insert specials category as relevant to the Project i.e. roadworks/bridgeworks (where not specified in the table above and works are required for the Project), concrete/asphalt paving, steel fabrication, etc.]	[TfNSW to insert level]
[as above]	[TfNSW to insert level]
[as above]	[TfNSW to insert level]
[as above]	[TfNSW to insert level]

Details provided in the table above are for information purposes only and evidence of these prequalification levels is not required to be included in the ROI Application but may be required in the RFT Phase.

The work will be required to be undertaken by the Contractor separately prequalified at each class (or higher), or by a suitably prequalified contractor engaged as a sub-contractor.

Schedule 4: Compliance with the NSW Code and NSW Guidelines

This Schedule must be completed by each Participant in the ROI Applicant and lodged with the ROI Application. Any ROI Application in which this Schedule is not completed may be regarded as non-conforming.

Refer to clause 7.8 of the ROI Invitation.

SCHEDULE OF COMPLIANCE WITH THE NSW GOVERNMENT'S IMPLEMENTATION GUIDELINES TO THE NSW GOVERNMENT CODE OF PRACTICE FOR PROCUREMENT: BUILDING AND CONSTRUCTION

ROI Application: *[TfNSW to insert Project name and ROI Invitation reference]*

ROI Applicant: *[ROI Applicant to insert full legal name of the ROI Applicant/Participant, including ABN and ACN where applicable]*

ROI Applicant's authorised representative: *[ROI Applicant to insert full name and title of natural person completing this Compliance Schedule on behalf of the ROI Applicant/Participant]*

Primary acknowledgements and undertakings

1. By completing this Compliance Schedule and submitting an ROI Application, the ROI Applicant:
 - a. acknowledges that the *NSW Government's Code of Practice for Procurement (NSW Code)* and the *NSW Government's Implementation Guidelines to the NSW Code of Practice for Procurement: Building and Construction (NSW Guidelines)* apply to this Project;
 - b. undertakes that it, and its related entities, comply with the *NSW Code* and *NSW Guidelines* on this Project and any privately and publicly funded building and construction work to which the *NSW Guidelines* apply, on and from the date of submitting this ROI Application (if not already required to comply on such privately and publicly funded projects);
 - c. confirms that it and its related entities have complied with:
 - i. the *NSW Code* and *NSW Guidelines* on all its other projects to which the *NSW Guidelines* apply or have applied; and
 - ii. all applicable legislation, court and tribunal orders, directions and decisions, and industrial instruments;
 - d. confirms that neither it, nor any of its related entities, are subject to a sanction or other circumstances that would preclude the ROI Applicant from submitting an ROI Application, or, if successful, being awarded a contract.

Sanctions for non-compliance

2. The NSW Treasury, through the Construction Compliance Unit (CCU), has responsibility for enforcing and ensuring compliance with the *NSW Code* and *NSW Guidelines*.
3. The ROI Applicant acknowledges that where it or a related entity fails to comply with the

NSW Code or *NSW Guidelines*, a sanction may be imposed on the ROI Applicant or its related entity or both. The sanctions that can be imposed include, but are not limited to, one or more of the following:

- a. a formal warning that a further breach will lead to severe sanctions;
- b. referral of a complaint to the relevant industry organisation for assessment against its own professional code of conduct and appropriate action;
- c. reduction in tendering opportunities at either agency or government-wide level, for example, by exclusion of the breaching party from tendering for government work above a certain value or for a specified period;
- d. reporting the breach to an appropriate statutory body; and
- e. publicising the breach and identity of the party.

Disclosure of information

4. The ROI Applicant agrees and gives its consent (or reaffirms its consent), and confirms that its related entities agree and give their consent (or reaffirm their consent), to the disclosure of information concerning the ROI Applicant's or the related entity's compliance with the *NSW Code* and *NSW Guidelines*, including disclosure of past conduct relating to the *NSW Code* and *NSW Guidelines*, and whether or not sanctions have been imposed on an ROI Applicant or its related entities.
5. The ROI Applicant confirms that it has obtained, or will obtain, the consent of each subcontractor or consultant it proposes to use on the Project, to the disclosure of information concerning the subcontractor's and consultant's compliance with the *NSW Code* and *NSW Guidelines*, including disclosure of details of past conduct relating to the *NSW Code* and *NSW Guidelines* and whether or not sanctions have been imposed on the subcontractor or consultant or its related entities.
6. The consent by the ROI Applicant, its related entities and any proposed or subsequent subcontractors or consultants is given to the State of New South Wales, its agencies (including TfNSW), Ministers and the CCU (and its authorised personnel) for purposes including:
 - a. the exercise of their statutory authority or portfolio responsibilities;
 - b. investigating and checking claims and assertions made by the ROI Applicant in any documents provided as part of the ROI Application (including, but not limited to, any Workplace Relations Management Plan (State) or Health and Safety Management Plans);
 - c. monitoring, investigating and enforcing the *NSW Code* and *NSW Guidelines*; and
 - d. ensuring, facilitating and promoting compliance with the *NSW Code* and *NSW Guidelines*.
7. The ROI Applicant acknowledges that this consent is not limited to this ROI Application or this Project, as parties are expected to comply with the *NSW Code* and *NSW Guidelines* on future projects for which they apply.

Positive obligations

8. Without limiting the obligations and requirements in the *NSW Code* and *NSW Guidelines*, the ROI Applicant acknowledges and undertakes to comply with its positive obligations under the *NSW Code* and *NSW Guidelines*, including to:
 - a. in the event that the ROI Applicant is shortlisted to submit a Tender and subsequently awarded the Contract, provide and comply with the Workplace Relations Management Plan (State), where such Plan is required for the Project,

- and any Work Health and Safety Management Plan;
- b. allow NSW Government authorised personnel to:
 - i. access the Project site and other premises;
 - ii. monitor and investigate compliance with the *NSW Code* and *NSW Guidelines*;
 - iii. inspect any work, material, machinery, appliance, article or facility;
 - iv. inspect and copy any record relevant to the Project; and
 - v. interview any person,as is necessary to demonstrate compliance with the *NSW Code* and *NSW Guidelines*;
 - c. notify the CCU (or nominee) and TfNSW of any alleged breaches of the *NSW Code* and *NSW Guidelines*, and of voluntary remedial action taken, within 24 hours of becoming aware of the alleged breach;
 - d. (for principal contractors only) report any grievance or dispute relating to workplace relations or work health and safety matters that may impact on project costs, related contracts or timelines to the CCU (or nominee) and TfNSW within 24 hours of becoming aware of the grievance or dispute, and provide regular updates on the grievance or dispute;
 - e. report any threatened or actual industrial action that may impact the Project, costs of the Project, related contracts or timelines to the CCU (or nominee) and TfNSW within 24 hours and provide regular updates about the steps being taken to resolve the threatened or actual industrial action;
 - f. take all steps reasonably available to prevent or resolve industrial action which adversely affects, or has the potential to adversely affect, the delivery of the Project or other related contracts on time and within budget; and
 - g. take all reasonably available steps to prevent or bring to an end unprotected industrial action occurring on or affecting the Project, including by pursuing legal action where possible. Any such legal action must be conducted (and where appropriate, concluded) in a manner consistent with the guiding principles and objectives of the *NSW Guidelines*, namely supporting outcomes of compliance with the law, productivity in delivering the Project on time and within budget, maintaining a high standard of safety, and protecting freedom of association.
9. Without limiting the obligations and requirements of the *NSW Code* and *NSW Guidelines*, the ROI Applicant acknowledges its obligation to ensure, through contract, that subcontractors and consultants similarly undertake, or allow for, each of these applicable positive obligations.

Privately funded work

10. The ROI Applicant acknowledges and agrees that in respect of its privately funded building and construction work to which the *NSW Guidelines* apply, it and its related entities will:
 - a. comply with the *NSW Code* and *NSW Guidelines*;
 - b. maintain adequate records of compliance with the *NSW Code* and *NSW Guidelines* (including by contractors);
 - c. allow NSW Government authorised personnel to:

- i. access the site and other premises;
 - ii. monitor and investigate compliance with the *NSW Code* and *NSW Guidelines*;
 - iii. inspect any work, material, machinery, appliance, article or facility;
 - iv. inspect and copy any record relevant to the project; and
 - v. interview any person,
as is necessary to demonstrate compliance with the *NSW Code* and *NSW Guidelines*; and
- d. ensure contractors and consultants similarly undertake, or allow for, each of these obligations.

Declaration by the ROI Applicant's authorised representative

By signing this declaration on behalf of the ROI Applicant, the authorised representative declares that he/she has full authority to execute it and has obtained any necessary consents and approvals to do so.

Signed for the ROI Applicant/Participant by:

Name (in block letters): (Authorised Officer)

In the Office Bearer capacity of:

Date:

Schedule 5: Compliance with the Building Code

This Schedule 5 must be completed by the ROI Applicant and lodged with its ROI Application. Any ROI Application in which this Declaration of Compliance is not completed may be regarded as non-conforming.

Where the ROI Applicant is an unincorporated joint venture, each joint venture Participant that is or will be a “building contractor” or “building industry participant” (as defined in section 5 of the BCIP Act) must sign and return a separate Declaration of Compliance in respect of the Building Code.

Refer to clause 7.9 of the ROI Invitation.

DECLARATION OF COMPLIANCE WITH THE CODE FOR THE TENDERING AND PERFORMANCE OF BUILDING WORK 2016

ROI Application: *[TfNSW to insert Project name and ROI Invitation reference]*

ROI Applicant: *[ROI Applicant to insert full legal name of ROI Applicant/Participant, including ABN and ACN where applicable]*

ROI Applicant's authorised representative: *[ROI Applicant to insert full name and title of natural person completing this Declaration of Compliance on behalf of the ROI Applicant/Participant]*

1. In this Declaration of Compliance:

ABCC	means the body referred to in section 29 of the BCIP Act.
ABC Commissioner	means the Australian Building and Construction Commissioner referred to in subsection 15(1) of the BCIP Act.
BCIP Act	means the <i>Building and Construction Industry (Improving Productivity) Act 2016</i> (Cth).
Building Code	means the Building Code issued under subsection 34(1) of the BCIP Act, being the document titled ' <i>Code for the Tendering and Performance of Building Work 2016</i> ', which is available at www.legislation.gov.au .
Building Contractor	has the same meaning as in the BCIP Act.
Building Industry Participant	has the same meaning as in the BCIP Act.
Building Work	has the same meaning as in subsection 3(4) of the Building Code.
Commonwealth Funded Building Work	means Building Work in items 1-8 of Schedule 1 of the Building Code.
Designated Building Law	has the same meaning as in the BCIP Act.

Exclusion Sanction	has the same meaning as in subsection 3(3) of the Building Code.
Related Entity	has the same meaning as in subsection 3(2) of the Building Code.
Workplace Relations Management Plan (Commonwealth)	has the meaning given to 'WRMP' in subsection 3(1) of the Building Code.
Works	means the Commonwealth Funded Building Work that is the subject of this ROI.

2. The ROI Applicant confirms that it has complied with the Building Code in preparing its ROI Application.
4. Should it be the successful Tenderer, the ROI Applicant acknowledges that it and its Related Entities must comply with the Building Code in relation to all Building Work described in Schedule 1 of the Building Code on or after the date that the Building Code commenced, being 2 December 2016, and, should it be the successful Tenderer, in relation to the Works.
5. The ROI Applicant undertakes to ensure that it and its subcontractors that it subcontracts any of the Works to, should it be the successful Tenderer, comply with the Building Code.
6. The ROI Applicant acknowledges the powers and functions of the ABC Commissioner and the ABCC under the BCIIIP Act and the Building Code and undertakes to ensure that it and its subcontractors will comply with any requests made by the ABCC and the ABC Commissioner within those powers and functions, including but not limited to requests for entry under section 72 of the BCIIIP Act, requests to interview any person under section 74 of the BCIIIP Act, requests to produce records or documents under sections 74 and 77 of the of the BCIIIP Act and requests for information concerning matters relating to the Building Code under subsection 7(c) of the Building Code.
7. The ROI Applicant declares that where it proposes to subcontract any of the Works, should it be the successful Tenderer, it will:
 - a. require each subcontractor to whom it proposes to subcontract any of the Works to confirm, prior to entering into the subcontract and every six months during the term of the relevant subcontract, that it has not, within the preceding three year period:
 - i. had an adverse decision, direction or order made by a court or tribunal for a breach of a Designated Building Law, work health and safety law (including, but not limited to, the *Work Health and Safety Act 2011* (NSW) and the *Work Health and Safety Regulation 2017* (NSW)) or the *Migration Act 1958* (Cth); or
 - ii. been required to pay any amounts under an adjudication certificate (provided in accordance with a law relating to the security of payments (including, but not limited to, the *Building and Construction Industry Security of Payment Act 1999* (NSW)) that are due to persons in respect of Building Work) or owed any unsatisfied judgement debts (including by any Related Entity) to a Building Contractor or Building Industry Participant;
 - b. not enter into a subcontract with a subcontractor who:

- i. is subject to an Exclusion Sanction or is excluded from performing Building Work funded by a state or territory government (unless prior approval to engage that subcontractor is obtained from the ABC Commissioner); and
 - ii. in the three years prior to the date on which the ROI Applicant submits its ROI Application, has had an adverse decision, direction or order made by a court or tribunal for a breach of the BCIP Act, a Designated Building Law, work health and safety law (including, but not limited to, the *Work Health and Safety Act 2011* (NSW) and the Work Health and Safety Regulation 2017 (NSW)) or competition and consumer law (including, but not limited to, the *Competition and Consumer Act 2010* (Cth)) and failed to comply with the decision, direction or order;
 - c. only enter into a subcontract:
 - i. pursuant to which the subcontractor undertakes to:
 - A. comply with the Building Code in performing the Works;
 - B. comply with the version of the ROI Applicant's Workplace Relations Management Plan (Commonwealth) approved by the ABCC for the performance of the Works, should the ROI Applicant be the successful Tenderer; and
 - C. only use products in relation to the Works that comply with the relevant Australian standards published by, or on behalf of, Standards Australia Limited (ABN 85 087 326 690);
 - ii. where the subcontractor has submitted a declaration of compliance, including the further information outlined in Attachment A to the declaration of compliance, in substantively the same form as the model declaration of compliance applicable to contractors and subcontractors in relation to the Building Code issued by the ABCC from time to time; and
 - iii. where the subcontract with the subcontractor contains clauses in substantively the same form as the model contract clauses applicable to contractors and subcontractors in relation to the Building Code issued by the ABCC from time to time.
8. The ROI Applicant declares that it has provided all of the further information required by Attachment A to this Declaration of Compliance.
9. The ROI Applicant declares that:
 - a. it is not subject to an Exclusion Sanction;
 - b. it has not had an adverse decision, direction or order made by a court or tribunal for a breach of the BCIP Act, a Designated Building Law, work health and safety law (including, but not limited to, the *Work Health and Safety Act 2011* (NSW) and the Work Health and Safety Regulation 2017 (NSW)) or competition and consumer law (including, but not limited to, the *Competition and Consumer Act 2010* (Cth)) and failed to comply with the decision, direction or order;
 - c. it will only use products in relation to the Works that comply with the relevant Australian standards published by, or on behalf of, Standards Australia Limited (ABN 85 087 326 690), should it be the successful Tenderer; and
 - d. if shortlisted to submit a Tender, it will provide as part of its Tender:
 - i. a Workplace Relations Management Plan (Commonwealth) for approval by the ABCC in accordance with Part 6 of the Building Code;

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- ii. the extent to which domestically sourced and manufactured building materials will be used to undertake the Building Work;
- iii. the successful tenderer's assessment of the whole-of-life costs of the project to which the Building Work relates;
- iv. the impact on jobs of the project to which the Building Work relates;
- v. whether the project to which the Building Work relates will contribute to skills growth;
- vi. the number of apprentice and trainee employees intended to be engaged by the ROI Applicant to undertake the Works; and
- vii. the number and classes of persons that hold visas under the *Migration Act 1958* (Cth) intended to be engaged by the ROI Applicant to undertake the Works.

[noting that, where the Tenderer comprises of more than one Participant, the information required under 9(d) will be required to be prepared and submitted on behalf of the Tenderer, not on behalf of each Participant]

Signed for the ROI Applicant/Participant by:.....

Name (in block letters):..... (Authorised Officer)

In the Office Bearer capacity of:

Date:

**ATTACHMENT A – INFORMATION REGARDING
COMPLIANCE WITH THE CODE FOR THE TENDERING
AND PERFORMANCE OF BUILDING WORK 2016**

The ROI Applicant must provide all of the following information as part of its Declaration of Compliance. This information can either be set out in this table or in an annexure to this Attachment A and the Declaration of Compliance.

Where the ROI Applicant is an unincorporated joint venture, each Participant that is or will be a “building contractor” or a “building industry participant” (as defined in section 5 of the BCIP Act) must provide the information set out in this Attachment A as part of its Declaration of Compliance.

Item	Requirement	Compliance
1	Is the ROI Applicant/Participant excluded from performing Building Work funded by a state or territory government? If so, the Commonwealth reserves the right to exclude the ROI Applicant/ Participant from further consideration.	Yes/No Details:
2	Does the ROI Applicant/ Participant positively commit to the provision of appropriate training and skills development for their workforce, and, if so, what evidence can the ROI Applicant/ Participant supply in relation to this (for example, evidence of its compliance with any state or territory government building training policies and evidence of its support in the delivery of nationally endorsed building and construction competencies)?	Yes/No Details:
3	Has the ROI Applicant/ Participant within the preceding 3 years had an adverse decision, direction or order of a court or tribunal made against it for a breach of a Designated Building Law, work health and safety law (including, but not limited to, the <i>Work Health and Safety Act 2011</i> (NSW) and the <i>Work Health and Safety Regulation 2017</i> (NSW)) or the <i>Migration Act 1958</i> (Cth)?	Yes / No Details:

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Item	Requirement	Compliance
4	Has the ROI Applicant/ Participant or its Related Entities within the preceding 3 years been required to pay any amount under an adjudication certificate (provided in accordance with a law relating to the security of payments (including, but not limited to, the <i>Building and Construction Industry Security of Payment Act 1999</i> (NSW)) that are due to persons in respect of Building Work) to a Building Contractor or Building Industry Participant?	<p>Yes / No</p> <hr/> <p>Details:</p>
5	Has the ROI Applicant/ Participant or its Related Entities within the preceding 3 years owed any unsatisfied judgement debts to a Building Contractor or Building Industry Participant?	<p>Yes / No</p> <hr/> <p>Details:</p>

Schedule 6: Confirmation of WHS Accreditation Status

This “Confirmation of WHS Accreditation Status” under the Australian Government Work Health and Safety Accreditation Scheme must be completed by the ROI Applicant and lodged with its ROI Application. Any ROI Application in which this Schedule is not completed may be regarded as non-conforming.

Where the ROI Applicant is an unincorporated joint venture, each Participant that will carry out ‘building work’ (as defined in the BCIP Act) for the Project must complete and sign this “Confirmation of Accreditation Status” schedule and lodge it with the ROI Application.

Refer to clause 7.10 of the ROI Invitation.

**CONFIRMATION OF WHS ACCREDITATION STATUS UNDER THE AUSTRALIAN
GOVERNMENT WORK HEALTH AND SAFETY ACCREDITATION SCHEME**

ROI Application: [TfNSW to insert Project name and ROI Invitation reference]

ROI Applicant: [ROI Applicant to insert full legal name of the ROI Applicant/Participant, including ABN and ACN where applicable]

ROI Applicant's authorised representative: [ROI Applicant to insert full name and title of natural person completing this Confirmation Schedule on behalf of the ROI Applicant/Participant]

Insert details of accreditation status under the Australian Government Work Health and Safety Accreditation Scheme (the **Scheme**), including the expiry date of accreditation, or provide evidence that accreditation is being sought under the Scheme.

Section 26(1)(f) of the *Fair Work (Building Industry - Accreditation Scheme) Regulations 2016* (Cth) outlines provisions applying to joint venture arrangements that include accredited and unaccredited members. Where the ROI Applicant is a joint venture that includes an unaccredited member, the joint venture must provide evidence that the project specific exemption has been obtained or is being sought under regulation 26(1)(f).

Signed for the Applicant/Participant by:.....

Name (in block letters):..... (Authorised Officer)

In the Office Bearer capacity of:.....

Date:

Schedule 7: Financial Details

(Note: financial information is not to be included in the ROI Application, but is to be provided upon request by TfNSW)

The financial information requested from the ROI Applicant and each Participant may include at least the following (for each Participant in the ROI Applicant and, where relevant, the Participant's Parent Company):

- A. Financial statements for the past three financial years
 - 1. Financial statements should preferably be prepared in accordance with Australian Accounting Standards. Financial statements should contain a Balance Sheet, Profit and Loss Statement (summary and detailed), Statement of Cash Flows, Notes to the Accounts, Compilation Report (if externally prepared), Director's / Trustee Report (if prepared), and Auditor's Report (if required to be audited).
 - 2. Most recent half-yearly or management accounts (preferably no more than 6 months old).
 - 3. Forecast Balance Sheet and Profit & Loss to the end of the current financial year.
 - 4. Forecast Cash Flow Statements to the end of the current financial year.
- B. Contracting entity
 - 1. The ROI Applicant must ensure that the financial information provided relates to the contracting entity itself.
- C. Business details
 - 1. Brief description of business and company history.
- D. Ownership and structure
 - 1. Details of shareholders, directors and executive managers including their background and experience and contingency plans for risk management.
 - 2. An organisational chart showing internal management structure and key positions.
- E. Wider corporate structure
 - 1. Diagram of corporate relationships and listing of related parties.
 - 2. Listing of all related party loans.
- F. Key customers
 - 1. For 20 largest clients, prepare information including client name, number of jobs completed in last 12 months and percentage of total revenue in last 12 months.
- G. Working capital management
 - 1. Ageing analysis of all trade debtors and trade creditors i.e. 1-30 days, 31-60 days, 61-90 days, over 90 days.
 - 2. Individual ageing debtor analysis of top 50 trade debtors by total amount owed.
 - 3. Individual ageing creditor analysis of top 50 trade creditors by total amount owing.
- H. Supplier concentration
 - 1. Listing of critical suppliers and value of spend in past 12 months.
- I. Projects

1. Listing of current tenders submitted and potential value.
 2. A list of all contract works and services currently being undertaken by the ROI Applicant for a client including details of client for each contract, the contract value, the percentage completed and payments received to date.
 3. Summary of forecast revenue in the current financial year end based on work remaining from secured work.
- J. Claims
1. Summary of any significant claims against the ROI Applicant or by the ROI Applicant that could affect financial capacity.
- K. Regulatory environment
1. List of major regulatory requirements governing the operation of the business.
- L. Financing facilities
1. Listing of all banking facilities such as overdraft, loan facilities and bank guarantee facilities including facility limit, amount drawn and amount remaining. Details of any refinancing required and covenants that exist between the company and financial institutions.
 2. A recent letter from a bank or financier confirming the banking facility details.
- M. Trade survey information
1. Nomination of at least 10 suppliers and 10 subcontractors with email contact details for assessors to conduct trade surveys.
- N. Cash flow forecasts
1. A detailed monthly cash flow forecast for the ROI Applicant (and each Participant) for the 12 months from the last financial year end to the current financial year end together with information regarding assumptions relating to the forecasts, or other relevant information requested by the financial assessor.

Schedule 8: ROI Applicant's Capability, Capacity and Experience

The ROI Applicant must provide the following details in its ROI Application:

a) Current or recently completed work similar to the Project

NOTES TO TENDER DOCUMENTER: *(Delete this boxed text after customising Schedule 8)
Review and amend paragraphs below to reflect the Project complexities and requirements for
evaluation. Insert columns for additional contracts, where details of more than three Contracts
need to be requested for the purpose of evaluation.
Where it is necessary to check the ROI Applicant's performance over the period longer than 5
years, modify as required (5-7 years).*

Provide details for a minimum of three contracts for work, similar in size, type, value and complexity to the proposed Project that the ROI Applicant (and where relevant, each Participant) is currently undertaking or has completed within the last five (5) years.

The information provided should demonstrate relevant experience and capability in managing roadworks/bridgeworks projects with complex utility works in active road environments.

The information should demonstrate achievement of satisfactory completion within required timeframes and quality, work health and safety, environment, Aboriginal participation and training (including apprenticeship) performance outcomes.

The information should demonstrate experience working under construct only, schedule of rates contracts (GC21 or similar) or other evidence of capability and capacity for this type of contract.

The ROI Applicant (and where relevant, each Participant) may include supporting evidence including contractor performance reports (or similar) for each contract, to demonstrate its achievement of relevant aspects of this evaluation criterion.

Provide a separate schedule for each Participant in the ROI Applicant, including details given in the table below:

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ROI Applicant's/Participant's name:

Item	Description	Contract 1	Contract 2	Contract 3
1	Contract Name			
2	Location			
3	Client			
4	Role of the ROI Applicant/Participant (for example, consortium member, head contractor, managing contractor, sub-contractor, etc.)			
5	The commencement date and duration of contract (including noting if delivered on time)			
6	Details of the procurement model and contracting arrangements (design and construct, construct only, PPP, etc.)			
7	Contract value (incl GST) (including noting if delivered on budget) or value of works undertaken by the ROI Applicant/Participant, where the ROI Applicant wasn't the head contractor			
8	Final (for completed contracts) or anticipated contract value (including GST):			
9	A description of the contract (including aspects of particular relevance to the Project)			
10	The key contract's risks and factors critical to success			
11	The key contract outcomes, demonstrating			

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Item	Description	Contract 1	Contract 2	Contract 3
	achievement of the evaluation criterion			
12	Nominated key personnel involvement in the contract and continuity of the key team members			
13	The key lessons learned and how these might be applied to the Project			
14	Reference/client referee (name and position)			
15	Contact details for referee (phone & email)			
16	Other relevant information - [<i>ROI Applicant to insert</i>]			

b) Other current or anticipated commitments

The ROI Applicants/Participants must also provide current and anticipated commitments on other projects/contracts, including project/contract name, client, brief description of works, start date, forecast completion date, original contract value and forecast final contract value. *(2 No. A4 pages)*

Schedule 9: Proposed Key Personnel

NOTES TO TENDER DOCUMENTER: *(Delete this boxed text after customising Schedule 9)*
Review and amend paragraphs below to reflect the Project's complexities and requirements for evaluation. Nominate key personnel as required for the Project. Nomination of backup personnel could be requested for some or all of the required personnel, where warranted (e.g. larger and more complex projects, where it is important to identify whether the ROI Applicant has sufficient relevant personnel to resource the project if there is a risk of the nominated personnel not being available when the contract is awarded).
Insert additional requirements where required for the purpose of evaluation.
Where it is justified to request the details of the proposed consultants at the ROI Phase, insert new section and specify requirements. This could be considered for the projects with significant temporary works / temporary utility relocation, complex formwork for bridges, etc., where the Contractor would be required to design, document and certify these temporary works.

The ROI Applicant must provide the following details in its ROI Application:

a) ROI Applicant's Proposed Management Structure

(3 No. A4 pages)

Provide an organisation chart showing:

- proposed key personnel, their roles and responsibilities
- lines of communication within the ROI Applicant's team
- lines of communication with TfNSW

b) Details of the ROI Applicant's Key Personnel

Provide details on the key personnel that you intend to provide for the Project. If the positions in your organisation are different to those outlined below, substitute your positions.

Key personnel include:

- Project Director
- Project Manager
- Construction Manager
- Quality Manager
- Survey Manager
- Community Relations Manager
- Structures Supervisor
- Construction Supervisor
- Traffic and Transportation Manager
- Utilities Co-ordinator
- Environmental Manager
- Safety Manager

For each of the nominated key personnel listed above, submit the information listed in the "ROI Applicant's Nomination for Key Personnel" table included below.

Attach brief details (CV of no more than 2 pages) of each person's qualifications and summary of experience relevant to the Project.

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ROI Applicant's Nomination for Key Personnel:

(2 No. A4 pages or 1 No. A3 page)

Key Personnel	Name	Employed By*	Based in (city/state)	Current work location/Project/role on the Project	Number of years of experience relating to the Project's role	Availability for the Project			
						ROI Phase (Yes/No)	RFT Phase (Yes/No)	Construction	
								Located full time on Site (Yes/No)	If part time on Site, % on Site
Project Director									
Project Manager									
Construction Manager									
Quality Manager									
Survey Manager									
Community Relations Manager									
Structures Supervisor									
Construction Supervisor									
Traffic and Transportation Manager									
Utilities Co-ordinator									
Environmental Manager									
Safety Manager									

* Where the ROI Applicant comprises of more than one Participant, insert the name of relevant Participant

c) Recent Experience of the ROI Applicant’s Key Personnel

Provide the following details for three most recently completed contracts of similar nature and value, for which the person nominated in the Key Personnel table carried out a role similar to that proposed for this Project. Provide separate table for each person. *(1 No. A4 page per person)*

Key Personnel’s Role & Name: *[ROI Applicant to insert]*

Contract Name/Location	Client/Company	Short Description of the Contracted Works	Contract Value (incl GST)	Contract Type (D&C, GC21, Alliance, etc)	Role on the Contract	Time in the Role		Client’s Contact Details (Name, position, mobile no, email)	Relevance to this Project
						From (Date)	To (Date)		

Schedule 10: Understanding of Project Requirements

The ROI Applicants must submit the information outlined below:

a) Project understanding

Provide a brief statement to demonstrate an understanding of the scope and requirements for the work under the proposed construction contract for the Project. The statement must include a commentary on the key challenges associated with the scope and requirements of the Project and the key factors for successful Project delivery.

(2 No. A4 pages)

b) Key risks

Provide your understanding of the potential impacts and proposed mitigation strategies for the key project risks listed below:

(2 No. A4 page per risk)

- [TfNSW to insert 3-4 most significant Project risks]

-

-

Furthermore, identify up to 3 additional key project risks and the proposed mitigation strategies

(2 No. A4 page per risk)

c) Critical Resource Strategy

Submit a description of the proposed initiatives for securing critical project resources, resolving unanticipated resource issues and management of the construction supply chain.

(4 No. A4 pages)

Schedule 11: Demonstrated Capacity for Successful Collaboration with the NSW Government

Referees

The ROI Applicant must provide the details of two appropriate referees for each Participant to demonstrate its and its Participants' capacity for successful collaboration with the NSW Government, as set out in Appendix 1 to this Returnable Schedule.

The referees will be asked to verify past performance of the ROI Applicant and its Participants by:

- A. confirming that the ROI Applicant and its Participants have the ability to achieve outcomes;
- B. advising the extent of any legal and contract disputes with the ROI Applicant and its Participants; and
- C. confirming the ROI Applicant's and its Participants' demonstrated commitment to working constructively with the NSW Government to resolve commercial issues.

Where the ROI Applicant and/or its Participants have contracted with TfNSW in the past five years and intend to nominate TfNSW as the referee, they should not provide a specific name of a TfNSW employee; it is sufficient to nominate TfNSW as one referee.

The ROI Applicant and its Participants who nominate TfNSW as the referee must nominate another referee, from another organisation, preferably Government. If the second referee is from Government, then the referee must be at the level equivalent to the General Manager or higher. Otherwise, the referee must be at the level of a chief executive officer or executive director.

Regardless of the ROI Applicant's and/or its Participants' nomination of referees, where the ROI Applicant and/or its Participants have contracted with TfNSW in the past five years, the Evaluation Panel will obtain the performance data held by TfNSW on the ROI Applicant's and/or its Participants' collaboration with the NSW Government from relevant TfNSW personnel, including the TfNSW Commercial Services, Infrastructure and Place Division.

In the event that the ROI Applicant and its Participants have not previously worked for the NSW Government, the ROI Applicant must provide the details of two referees for each Participant from organisations that the ROI Applicant and its Participants have contracted with within the past five years, preferably for works greater than \$100 million. The referees must be at the level of a chief executive officer or executive director, with the ability to comment on the ROI Applicant's and its Participants' history of legal and contract disputes, and their ability to work constructively to resolve commercial issues.

Appendix 1 to Returnable Schedule 11

Where the ROI Applicant comprises of more than one Participant, the ROI Applicant is to provide separate schedule for each Participant.

Each Participant in the ROI Applicant is to answer the following question:

Has the ROI Applicant/Participant previously worked for the NSW Government?	Yes / No
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If the answer to the above question is “**Yes**”, each Participant in the ROI Applicant must provide details of two referees from the NSW Government agencies it has contracted with within the past five years, as set out below, who could comment on the Participant’s past performance and verify details set out in Returnable Schedule 11.

Name of Referee*	Name of NSW Government Agency	Referee’s Position Title*	Referee’s Contact Details (telephone number & email)*

** Where the ROI Applicant and/or its Participants have contracted with TfNSW in the past five years and intend to nominate TfNSW as the referee, they should not provide a specific name of a TfNSW employee; it is sufficient to nominate TfNSW as one referee.*

If the answer to the above question is “**No**”, each Participant in the ROI Applicant must provide details of two referees from the organisations it has contracted with within the past five years, preferably for works greater than \$100 million. The referees must be at the level of a chief executive officer or executive director, with the ability to comment on the Participant’s past performance and verify details set out in Returnable Schedule 11.

Name of Referee	Name of Organisation	Referee’s Position Title	Referee’s Contact Details (telephone number & email)

**Schedule 12: [*Returnable Schedule for Project Specific Evaluation
Criterion*]**

[TfNSW to insert relevant details or delete this Schedule, if not required]

Conforming Submission Checklist

ROI Applicant is to state in the table below where the ROI Application contains information on each selection/evaluation criterion. Tick the boxes to confirm the ROI Application contains all the completed Returnable Schedules (to the extent required for the Project) and insert applicable Attachment numbers.

Selection/Evaluation Criterion:	Relevant information is found at:
MANDATORY CRITERIA	
Formal Application	ROI Application Form <input type="checkbox"/> (Returnable Schedule 1)
ROI Applicant's Details	Returnable Schedule 2 <input type="checkbox"/> Attachments:
Minimum Prequalification Levels	Returnable Schedule 3 <input type="checkbox"/> Attachments:
Compliance with the NSW Code and NSW Guidelines	Returnable Schedule 4 <input type="checkbox"/>
Compliance with the Building Code	Returnable Schedule 5 <input type="checkbox"/> Attachments:
Confirmation of WHS Accreditation Status	Returnable Schedule 6 <input type="checkbox"/> Attachments:
EVALUATION CRITERIA	
ROI Applicant's Capability, Capacity and Experience	Returnable Schedule 8 <input type="checkbox"/> Attachments:
Proposed Key Personnel	Returnable Schedule 9 <input type="checkbox"/> Attachments:
Understanding of Project Requirements	Returnable Schedule 10 <input type="checkbox"/> Attachments:
Demonstrated Capacity for Successful Collaboration with the NSW Government	Returnable Schedule 11 <input type="checkbox"/> Attachments:

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Selection/Evaluation Criterion:	Relevant information is found at:
<i>[If NSW to insert project specific evaluation criterion or delete if not relevant]</i>	Returnable Schedule 12 <input type="checkbox"/> Attachments:.....