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| Selection / Compliance Questionnaire |
| *Powerhouse Precinct at Parramatta*  *International Design Competition (PROC 2003389)*  Issue Date: *Thursday 24 January 2019*  Closing Date: *Monday 18 March 2019*  Closing Time: *22:00 AEDT*  NB. This document is to be read in conjunction with the Search Statement. |
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**Entrant Schedule**

1. Entrant Details

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| --- | --- |
| Registered Business Name |  |
| Trading Name |  |
| ABN (if applicable)[[1]](#footnote-1) |  |
| ACN (if applicable)[[2]](#footnote-2) |  |
| Registered Office Address |  |
| Architectural Registration Details (Number, State) |  |
| Submission Validity Period  (Minimum validity period required = six months) |  |
| Do you have any Conflict of Interest to disclose  If Yes, please outline the conflict of interest. | <Please answer yes or no> |
| Current Legal Proceedings  Are you or any of your directors currently, or have you, or have your directors been at any time within the last five years, the subject of any or any pending:  (a) legal proceedings, including winding up or bankruptcy proceedings,  (b) insolvency administrations or investigations; and/or  (c) investigations by the NSW Independent Commission Against Corruption (ICAC) or any other public body, including findings of dishonest, unfair and unconscionable conduct? | <Please answer yes or no>  If yes, please provide details |
| Financial Capacity and Capability  During the course of this tender process, it may be required that you submit a copy of your last three annual financial reports to the Agency if so directed, in order to conduct financial analysis on behalf of the Agency. Indicate whether you will provide these reports if required. | <Please answer yes or no> |
| Contact Details for this Submission | Name:  Title:  Email:  Phone: |

1. Q1 Understanding/Response to Brief & Outline Approach to the Requirements of the Project/Design Excellence and Innovation

Please refer to the Submission Requirements on pages 72-73 of the Search Statement for the response to Q1.

1. Q2 Relevant Experience and Referees

**Previous Experience, Including Referee Contact Details**

For the projects referred to in the response to Q2 of the Search Statement (refer to pages 73-74), please provide details in the following table.

In reference to the eligibility criteria (page 51 of the Search Statement), at least one of these projects should be a built project of comparable complexity and program of at least AUD $200M (and on which the nominating party was the lead architect). This example project need not be a museum or cultural project; any large scale examples such as health, education, residential or commercial projects can be provided.

If a firm cannot partner with an architectural firm that has the experience and demonstrated capability as a lead architect on a built project of comparable complexity and program of at least AUD $200M, the firm is required to articulate to the shortlisting panel the reason why they believe they can deliver a buildable, memorable facility exemplifying design excellence within the base building’s construction budget set at AUD $400M. This should be included in your response to Q2 of the Search Statement.

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Project name | Type | Value ($M in AUD or equivalent) | Area (enclosed) | Responsible party (for entries with multiple firms) | Role on project (e.g. lead designer, documenter, full services) | Date of completion (Indicate if this is construction or design only) | Client | Contact name | Phone number (include international prefix) |
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(Optional: Additional referees other than those noted against example projects above can be listed here)

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Project name | Type | Value ($M in AUD or equivalent) | Area (enclosed) | Responsible party (for entries with multiple firms) | Role on project (e.g. lead, documenter, comprehensive, support) | Date of completion (Indicate if this is construction or design only) | Client | Contact name | Phone number (include international prefix) |
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1. Q3 Capability and Capacity

Please refer to the Submission Requirements on page 53 and 75 of the Search Statement for the response to Q3.

Included within the team’s response to this question should be a proposed project organisational diagram and CVs of both the proposed project architect and Director/Partner in charge from the lead designer.

Consistent with the relevant experience supplied in Q2, team CVs submitted should demonstrate and communicate relevant skills in design management balancing budget, cost, quality and programme.

Integration of design practices and processes yielding constructible and coordinated multi-disciplinary project outcomes should also be conveyed in this part of the submission.

1. Q3 Sub-consultants

Please nominate the creative team members and sub-consultants you are proposing, together with a summary of their skills, qualifications and experience. Key personnel must have relevant experience in the services as stated in the Search Statement. Please note the below table is for information only. Team composition will be assessed as indicated in the Search Statement.

Creative Team (to be Assessed at Stage One)

|  |  |  |  |
| --- | --- | --- | --- |
| **Name of proposed Creative Team Members** | **ACN** | **Skills, qualifications & experience directly related to the specified services** | **Role/Task within project** |
|  |  |  | Lead architect |
|  |  |  | Additional Architect |
|  |  |  | Other creative team members as nominated |
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Preferred Sub-consultants to be nominated (these will be checked for suitability separately prior to Stage Two for shortlisted teams)

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| --- | --- | --- | --- |
| **Name of proposed professional sub-consultants** | **ACN** | **Skills, qualifications & experience directly related to the specified services** | **Role/Task within project** |
|  |  |  | Structural Engineer |
|  |  |  | Services engineers (also known as MEP engineers) |
|  |  |  | Landscape architect |
|  |  |  | Other nominated professionals |
|  |  |  |  |

1. Insurance

The required levels of insurance for this arrangement are listed below:

|  |  |
| --- | --- |
| Insurance | Detail |
| Public Liability | AUD $20 million |
| Professional Indemnity | AUD $20 million |
| Workcover/Sickness/Accident | As required by State law |

Please complete the table below. The contractual lead entity of each of the shortlisted teams will be required to provide copies of certificates of currency for each policy, or alternatively, to provide a letter from their insurer indicating that they are able to obtain the required insurances.

***Please note that this is a Pass/Fail item.***

| **Name Of Insurance Company & Policy Type** | **Policy Number(s)** | **Expiry Date** | **Limit Of Liability** |
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1. Proposed Consultant Agreement

Please refer to the Consultant Agreement in Appendix C to the Search Statement.

If there are any comments on the standard consultant agreement then they are to be highlighted within your submission and these will be taken into account when assessing your submission. Please provide any comments in the following table format;

|  |  |  |  |
| --- | --- | --- | --- |
| *Clause /Section no.* | *Current wording* | *Proposed wording* | *Reason(s) for proposed amendment.* |
|  |  |  |  |

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| --- | --- |
| *I confirm, on behalf of the practice referenced in this Response Schedule, that the practice has reviewed the Consultant Agreement and is willing to enter into the Consultant Agreement, subject to negotiations over comments raised.* | |
| Authorised Representative | Name:  Title:  Date: |

1. Acknowledgement and Confirmation

I affirm that the information provided is correct and is in accordance with the Search Statement Conditions.

|  |  |
| --- | --- |
| Authorised Representative | Name:  Title:  Date: |

1. Confidentiality and Conflict of Interest

***Refer to Deed Poll on the following pages. Please note that this is a Pass/Fail item.***

**Confidentiality and Conflict of Interest Deed Poll**

**Made on** …………………2019 by: ..………………………………….…………………………………… (“Name of duly authorised representative of”)

**organisation**: …………………… ……………..…………………………………………………………… ("Recipient")

**in favour of:** Department of Planning & Environment (“Department”), Pitt St, Sydney, NSW

**for:** ………………… …………………..…………………………….….(“Project”)

**Confidentiality Deed Poll**

## Background

In providing a response to the Department’s request for Expressions of Interest or otherwise as a result of the Recipient’s involvement with the Project, the Recipient may come into receipt of, or otherwise become acquainted with, Confidential Information.

## Confidential information

1. For the purposes of this deed "**Confidential Information**"is any information of a confidential or secret nature relating to operations of the Department, its work or the Project, which has come to the knowledge of the Recipient by any means or is given to the Recipient either directly or indirectly by the Department or by a person on behalf of the Department, but does not include:

(a) information which, at the time of disclosure, was in the public domain; or

(b) information which, subsequent to disclosure, enters the public domain except through breach of this deed or any other obligation of confidence.

## Acknowledgements, warranties and covenants

2. The Recipient acknowledges and agrees that:

(a) the Confidential Information is of a secret and confidential nature;

(b) it is a requirement of the Recipient's role in relation to the Project that strict confidentiality as described below is maintained at all times; and

(c) improper use or disclosure of any Confidential Information may be detrimental to the Department in connection with the performance of its functions, and may cause harm to the Department.

3. The Recipient undertakes to treat and keep the Confidential Information in the strictest of secrecy and confidentiality and not disclose the Confidential Information except as expressly authorised and permitted to do so under paragraph 5 below.

4. Further, the Recipient undertakes not to disclose to any person that the Confidential Information has been made available to the Recipient and undertakes:

(a) to protect and safeguard Confidential Information against unauthorised publication or disclosure; and

(b) not to use, copy or reproduce Confidential Information for any reason or purpose except as directed by the Department or if necessary to do so in order to carry out the Recipient’s duties, functions and obligations in relation to the Project; and

(c) safeguard the physical security and storage of Confidential Information and comply with any specific security and storage measures in connection with Confidential Information that may be required by the Department.

## Authorised disclosure

5. The Recipient may disclose Confidential Information:

(a) if a duly authorised representative of the Department approves or directs in writing the disclosure of Confidential Information in accordance with the terms of that approval or direction;

(b) if required under a binding order of a government agency or any legal proceedings;

(c) if required under any law or any administrative guideline, directive, request or policy having the force of law; and

(d) to employees, consultants and other advisers of the Department who have executed undertakings in favour of the Department on substantially the same terms as this deed.

## Return of Confidential Information

6. If the Department requests it, the Recipient must:

(a) promptly return to the Department all documents and other physical records of Confidential Information in the Recipient’s possession, custody, power or control except where the Recipient is required by law to retain them, or such documents or records are required to be retained in accordance with any administrative guideline, directive, request or policy by which the Recipient is bound; and

(b) provide a statutory declaration to the Department confirming that all such records have been returned.

## Conflict covenant

1. The Recipient confirms that:
   1. by indicating a "NIL" response on the *Conflict of Interest Declaration* form (**Declaration**) set out as attachment 1, the Recipient does not have a conflict of interest in relation to their involvement with the Project;
   2. any interest of the Recipient that may create, or may be perceived to create, a conflict of interest as at the date of this deed is documented in the Declaration; and
   3. it will promptly notify an Officer of the Department associated with the Project of any change in circumstances arising after the date of this deed that may create, or may be perceived to create, a conflict of interest in relation to their involvement with the Project.

## Non-waiver

8. The failure of the Department to enforce any of the provisions of this deed or the granting at any time of any other indulgence is not to be construed as a waiver of that provision or of the right of the Department to enforce that or any other provision at a later date.

## Continuing obligations

9. Each obligation of the Recipient under this deed is a continuing, perpetual obligation and survives any expiry, performance or termination of this deed.

## Governing law

10. This deed is governed by and subject to the laws of New South Wales.

**Signed, sealed and delivered** **by the Recipient**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

in the presence of:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Witness

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name (printed)

**Conflict of Interest Declaration**

**Definition**

A ”conflict of interest” is an actual, potential or reasonably perceived conflict between a person’s private interests and the impartial performance of their duties, functions or obligations in relation to the Project.

An “interest” that may be relevant includes:

* shareholdings, trusts or nominee companies, property holdings,
* interests and positions in corporations, partnerships, businesses, trade unions, or professional, business or community associations and organisations;
* memberships of Boards or Committees;
* membership or association with voluntary organisations; and
* family or other relationships formed through work, education or engagement with the local community, including sporting, social, cultural or voluntary activities.

**Either section 1 or 2 must be completed.**

**Section 1**

I do not have any interest to declare that is, may create, or be perceived to create, a conflict of interest in relation to my involvement with the Project.

**Tick here for NIL response □**

**Section 2**

I have the following interest/s to declare.

**Description of interest**: ………………………………………………………………………………………..

……………………………………………..………………………………………………………..………………………..

……………………..………………………………………………..………………………………………………………..

**Description of actual, potential or perceived conflict arising from my involvement with the Project**: ……………………………………………………………………………………………………………….

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**Action to avoid a Conflict of Interest**: The following action is agreed in order to avoid or properly manage a conflict of interest: ……………………………………………………………………………………………

………………………..……………………………………………..………………………….……………………………

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| I hereby declare that the above details are correct to the best of my knowledge and I make this Declaration in good faith and commit to the implementation of any agreed management action.  …………………..…………………………….. | I hereby declare that I have received and appropriately noted this Declaration and confirm the management actions are agreed.  …………………………………………………… |
| Signature  Date / / | Signature of Deputy Secretary or CFOO  (only if declared)    Date / / |

1. Australian Business Number. If your company is not registered in Australia, you should note N/A in this field. [↑](#footnote-ref-1)
2. Australian Company Number. If your company is not registered in Australia, please include the relevant registration details for your country of registration. If this does not apply, please state “N/A”. Please be aware that an Australian entity may need to be nominated or established to ensure compliance with Australian tax laws for honorarium payment at Stage Two. [↑](#footnote-ref-2)