Scone Airport Redevelopment

Request for Expressions of Interest For

Design & Construction of the new Warbird Visitor Attraction & Airport Terminal at Scone Airport

at Satur Rd, Scone NSW 2337

EOI No: UHSC-297/20

May 2020

Public Works Advisory for

Upper Hunter Shire Council

EOI Applications Close at: 5pm Monday 1 June 2020
Conditions for Applications

Table of Contents

1 Purpose of the Expressions of Interest .................................................... 3
  1.1 Call for Expressions of Interest .......................................................... 3
  1.2 The Expressions of Interest Process .................................................... 3
  1.3 Contact Person ...................................................................................... 3
2 The Project .................................................................................................... 3
  2.1 Background ............................................................................................ 3
  2.2 Project Details ....................................................................................... 4
  2.3 Other Project Work ............................................................................... 5
3 The Proposed Contract .................................................................................. 5
  3.1 Scope of Work ....................................................................................... 5
  3.2 Contract Details .................................................................................... 5
4 The Proposed Tendering Process .................................................................... 5
  4.1 Indicative Timetable .............................................................................. 5
  4.2 NSW Government Code of Practice for Procurement and Implementation Guidelines .................................................................................... 5
5 Further Information .................................................................................... 6
  5.1 Addenda to this Request for EOI .......................................................... 6
6 Evaluation Criteria ...................................................................................... 6
  6.1 Mandatory Evaluation Criteria ............................................................. 6
  6.2 Scored and Weighted Evaluation Criteria ............................................. 8
7 Submission of EOI Applications .................................................................. 9
  7.1 Documents to be Submitted .................................................................. 9
  7.2 Lodgement Methods ............................................................................ 10
  7.3 Late Applications ............................................................................... 10
8 After EOI Applications Close ..................................................................... 10
  8.1 Evaluation of Applications ................................................................... 10
  8.2 Mandatory Evaluation Criteria ............................................................ 11
  8.3 Scored and Weighted Evaluation Criteria ............................................ 11
  8.4 Outcome of the EOI process ................................................................ 12
  8.5 Disclosure of Information .................................................................. 12
  8.6 Changes Following Pre-Registration .................................................... 12
  8.7 Publicity .............................................................................................. 13
  8.8 Protection of Privacy .......................................................................... 13
9 Appendix ..................................................................................................... 14
  9.1 Appendix A - Preliminary Design Drawings - STEA Architects ............ 14
  9.2 Appendix B – Alternate preliminary Design Drawings – PB Eveleigh Plan Service .......................................................... 14
  9.3 Appendix C - Upper Hunter Shire Council’s Statement of Business Ethics .......................................................... 14

EOI - Design & Construction of the new Warbird Visitor Attraction & Terminal Building at Scone Airport – 2
Date issued: 21 May 2020
File: UHSC-297/20
Page: 2 of 14
1 Purpose of the Expressions of Interest

1.1 Call for Expressions of Interest
Expressions of Interest (EOI) are invited from organisations wishing to be pre-registered to tender for a contract for the design and construction of a new Warbird Visitor Attraction and Airport Terminal building at Scone Airport.

More details about the project and the proposed contract are provided below.

1.2 The Expressions of Interest 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 to undertake the work.

An Evaluation Team comprising representatives from Upper Hunter Shire Council and Public Works Advisory will evaluate the EOI applications on the basis of the evaluation criteria set out in Section 6 of this Request for EOI.

The Evaluation Team will identify the applicants it considers best satisfy the evaluation criteria and will recommend those who are to be pre-registered and invited to submit tenders for the proposed contract. 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.

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

Name: Alan Fletcher
Contact number(s): 02 6540 1103
e-mail address: afletcher@upperhunter.nsw.gov.au

2 The Project

2.1 Background
Upper Hunter Shire Council is undertaking the upgrade and replacement and the construction of new infrastructure at the Scone Regional Airport. The planned upgrades include:

- Construction of a new Warbird Visitor Attraction & Airport Terminal
- Upgrade of the runway to meet the required strength and pavement design
- Upgrade or replacement of existing taxiways
- Upgrade of the aeronautical ground lighting system
- Other works for the airport to be certified under proposed Civil Aviation Safety Authority (CASA) regulations

The airport operates as a CASA registered airport. The airport is also used by emergency services including Rural Fire Service, NSW Ambulance, Westpac Helicopter and Royal Flying Doctor Service.

Upper Hunter Shire Council has undertaken detailed design and engineering of the various components of the planned upgrades and is now progressing into the delivery phase of the project.

This EOI is related to the “non-airside” component of the project only, comprising the construction of the new Warbird Visitor Attraction & Airport Terminal and
associated infrastructure. The carpark construction is not part of this EOI, the carpark will be constructed by Upper Hunter Shire Council.

2.2 Project Details

Upper Hunter Shire Council is seeking to engage an experienced Principal Contractor to construct the Warbird Visitor Attraction and Airport Terminal. This Warbird Visitor Attraction and Airport Terminal will be a multi-purpose facility exhibiting private collections of warbird planes which are based locally in the Upper Hunter Shire. The facility, which is approximately 3,750 sqm, will include:

- Airport terminal
- Amenities
- General office spaces
- Function rooms
- Dedicated exhibition space
- Café and gift shop
- Airport staff office
- Landscaping, water tanks, landscape irrigation and entrance feature

Upper Hunter Shire Council has detailed design documentation for the project produced by STEA Architects and sub consultants. Tenders were called for the construction. Unfortunately the tender prices were over the budget for the work and Council resolved on the 27 April 2020 to:-

1. decline to accept any of the tenders for the Warbird Visitor Attraction and Airport Terminal building at Scone Regional Airport and enter into negotiations with a view to entering into a contract as set out in Section 178(3)(e) of the Local Government Regulation 2005.
2. note the reason for declining to accept any of the tenders is that the budget is insufficient to cover the lowest assessed tender amount and a contingency amount for variations and assessed risks.
3. the reasons for determining to enter into negotiations with the two lowest priced tenderers and others if required are:
   - The tenders from the two lowest price tenderers, although above the pre-tender estimate, were complying tenders and it would be potentially advantageous for Council to enter direct negotiations;
   - Entering into negotiations with two lowest priced tenderers only will provide pricing competition while facilitating negotiations for the tenderers and Council.
   - The ability to receive prices from other firms other than the two lowest tenderers provides flexibility and competition to obtain the best value for money.

This EOI aims to determine if there are any other suitable tenderers willing to enter into negotiations for the work. The two lowest original tenderers and any firms deemed suitable from this EOI process will be asked to provide a design and construct tender submission. The proposed contract for the works will primarily be ‘design and construct’ and the successful contractor will be responsible for developing the preliminary design provided by the Principal.

Preliminary STEA Architect drawings for the works are provided at Appendix A. An alternative design by P B Eveleigh Plan Service is attached in Appendix B.

The proposed construction period is 30 weeks.

As the construction site is on a CASA registered airport, the successful contractor is required to comply with several regulatory requirements. These include:

- Compliance with the Drug & Alcohol Management Plan (DAMP)
- Emergency access to the airside facilities will be required to be maintained at all times
- Additional coordination of safety requirements as necessary during construction e.g. use of cranes
REQUEST FOR EXPRESSIONS OF INTEREST
- CONDITIONS FOR APPLICATIONS [v0.2]

It is anticipated the successful contractor will not be required to provide a CASA approved Work Safety Officer (WSO) as the site is not on the airside of the airport. Upper Hunter Shire Council is seeking to maximise the inclusion of local contractors or subcontractors. This EOI aims to help address this issue. EOI submissions from Upper Hunter Shire or adjoining local government areas are encouraged. Council has also undertaken a separate Expression of Interest process for local trades, services and suppliers. The successful tender will be given the contact list details for the local trades, services and suppliers to use as they wish.

2.3 Other Project Work

It is anticipated a number of other contracts for the airside infrastructure will be underway, concurrent to the construction of the Warbird Visitor Attraction and Airport Terminal. It is expected there will be a requirement for all contractors to participate in regular coordination meetings. This has been detailed in a separate Request for Tender.

3 The Proposed Contract

3.1 Scope of Work

The scope of work under the proposed contract includes construction of the new Warbird Visitor Attraction and Airport Terminal and associated infrastructure. 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.

3.2 Contract Details

The proposed contract will incorporate the GC21 General Conditions of Contract, which are available on the GC21 Edition 2 page in the ProcurePoint website at:


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

4 The Proposed Tendering Process

4.1 Indicative Timetable

An indicative timetable for the EOI process is as follows:

<table>
<thead>
<tr>
<th>Event</th>
<th>Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expressions of Interest close</td>
<td>5pm 1 June 2020</td>
</tr>
<tr>
<td>Evaluation completed</td>
<td>8 June 2020</td>
</tr>
<tr>
<td>Successful applicants notified and negotiations commence</td>
<td>15 June 2020</td>
</tr>
<tr>
<td>RFT Documents issued to successful applicants</td>
<td>15 June 2020</td>
</tr>
<tr>
<td>Tenders close</td>
<td>13 July 2020</td>
</tr>
</tbody>
</table>

4.2 NSW Government Code of Practice for Procurement and Implementation Guidelines

The NSW Government Code of Practice for Procurement (NSW Code) and the Implementation Guidelines to the New South Wales Code of Practice for Procurement: Building and Construction (NSW Guidelines) apply to this project. The NSW Code is available in the Policy and reform/Construction section of the ProcurePoint website at:

http://www.procurepoint.nsw.gov.au

The NSW Guidelines are available from the NSW Industrial Relations website at:
Applicants are required to complete and lodge Returnable Schedules – Schedule of Compliance with NSW Government’s Implementation Guidelines to the NSW Government Code of Practice for Procurement (Schedule of Compliance) to evidence their agreement to comply with the NSW Code and NSW Guidelines. If an applicant fails to comply with the NSW Code or to lodge the Schedule of Compliance, its application may be passed over.

The applicant is also required to meet Upper Hunter Shire Council’s Statement of Business Ethics (copy attached Appendix C).

### 5 Further Information

#### 5.1 Addenda to this Request for EOI

The Principal may issue an instruction amending this 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 the Request for EOI documents. 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 confirm that they have received all Addenda and allowed for any changed requirements.

### 6 Evaluation Criteria

#### 6.1 Mandatory Evaluation Criteria

Applicants are required to complete the Application Form. Applicants must also demonstrate that they meet mandatory requirements in respect of the following evaluation criteria:

- Legal entity
- WHS management
- Quality management
- Aboriginal participation
- Financial Capacity
- Undertaking to comply with the NSW Code and NSW Guidelines

The mandatory requirements for these criteria are set out below.

**Legal Entity**

To be pre-registered, 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 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.

**Work Health and Safety Management**

To be pre-registered, an applicant must have a work health and safety management system that is acceptable to the Principal in accordance with the NSW Government Work Health and Safety Management Systems and Auditing Guidelines 5th Edition (WHSMS Guidelines). The WHSMS Guidelines are available in the Policy and reform/Construction section of the ProcurePoint website at:

http://www.procurepoint.nsw.gov.au

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

**Quality Management**

To be pre-registered, an applicant must have a Quality Management System certified to AS/NZ ISO 9001:2000 or equivalent.

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

**Aboriginal Participation**

The applicant’s attention is drawn to the requirements of the NSW Government Policy on Aboriginal Participation in Construction.

The policy document is available from Construction page in the Policy and reform/Construction section of the ProcurePoint website at:


The Aboriginal Participation Category applicable to the proposed contract is Category 3.

Submit the undertaking in Returnable Schedules - Aboriginal Participation Information to demonstrate a commitment to meeting the requirements of the Policy.

**NSW Code of Practice for Procurement and Implementation Guidelines**

To be pre-registered, an applicant must acknowledge that the NSW Code of Practice for Procurement and the associated Implementation Guidelines apply to the project and undertake to comply with both the Code and the Guidelines by completing and lodging Returnable Schedules - Compliance with NSW Government's Implementation Guidelines to the NSW Code of Practice for Procurement.

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

**Financial Capacity**

By tendering for this Contract, the Tenderer agrees that the Principal may engage private sector consultants to financially assess tenderers. Financial details of tenderers may be obtained by an external Financial Assessor for assessment. Financial Assessors have a contract with the Principal to safeguard the financial details obtained. Financial Assessors must not disclose such details, either in whole or in part to any party other than NSW Government agencies or authorities without the express written permission of the tenderer.

Information about the financial assessment services scheme is available on the ProcurePoint website at:

The main criteria considered in financial assessment of tenderers are:

- Net Tangible Assets (total assets, excluding any assets of company directors, less total liabilities less intangible assets);
- Current Ratio (ratio of current assets to current liabilities); and
- Working Capital (current assets less current liabilities).

The Principal considers a tenderer meeting the following financial indicators, with no other significant detrimental financial characteristics, to be financially satisfactory in respect of its tender:

- Net Worth exceeds 5% of the initial Contract Price;
- Current Ratio exceeds 1; and
- Working Capital exceeds 10% of the initial Contract Price.

Deviations from the above indicators will not necessarily prevent the Principal from considering any tender.

The Principal may elect to pass over a tender from a tenderer if any of the above financial assessment indicators are below a threshold acceptable to the Principal.

### 6.2 Scored and Weighted Evaluation Criteria

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

- demonstration by the applicant of experience and capability with similar works
- demonstration by the applicant of suitably qualified and experienced personnel and their availability to undertake the works
- demonstration by the applicant of engaging suitably qualified and experienced consultants
- demonstration by the applicant of an overall understanding of contract requirements

The Evaluation Team 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.

**Applicant’s Experience and Capability**

This criterion relates to the applicant organisation’s:

- demonstrated successful recent experience in delivering contracts of similar value for similar work;
- demonstrated achievement of satisfactory work quality within required timeframes;
- demonstrated performance in managing work health and safety on construction sites;
- demonstrated environmental management performance;
- demonstrated experience in successfully engaging local trades, services and suppliers on similar projects; 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.

**Proposed Personnel**

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

- the size, structure, proposed roles and relevant competencies of the proposed team;
REQUEST FOR EXPRESSIONS OF INTEREST
- CONDITIONS FOR APPLICATIONS [v0.2]

- 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 Team will assess whether an adequate level of resources is offered and whether the application demonstrates that they have the competencies required to satisfactorily achieve the desired contract outcomes.

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

Proposed Consultants
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 Team will assess the extent to which the involvement of the proposed consultants will support the achievement of the desired contract outcomes.

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

Understanding of Contract Requirements
This criterion relates to the applicant’s understanding of the work and the proposed approach to likely issues and includes:
- risk identification & risk management strategies;
- proposed innovations that will increase value to the Principal;
- proposed relationship management and communication strategies; and
- the proposed construction methodology

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

7 Submission of EOI Applications

7.1 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:
- Applicant’s Details
- Management Systems
- Aboriginal Participation Information
- Applicant’s Experience and Capability
- Proposed Personnel
- Proposed Consultants
- Understanding of Contract Requirements
- Compliance with the NSW Government’s Implementation Guidelines to the NSW Code of Practice for Procurement

Also complete and submit Returnable Schedules – Compliance of Application confirming that the required information has been provided in relation to each evaluation criterion.

The Evaluation Team may decide to pass over any application that does not:
REQUEST FOR EXPRESSIONS OF INTEREST
- CONDITIONS FOR APPLICATIONS [v0.2]

- include the information required by ALL Returnable Schedules; or
- acknowledge on 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. Do not use a font size smaller than 10 point Times New Roman.

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

7.2 Lodgement Methods
Applicants must lodge their Expression of Interest submission by email to:
council@upperhunter.nsw.gov.au
Access is generally available 24 hours a day, 7 days per week.

Electronic lodgement of an application is evidence of the applicant’s acceptance of any conditions shown on the NSW Government eTendering website or stated in these Conditions for Applications.

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.

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

7.3 Late Applications
In accordance with the NSW Government Code of Practice for Procurement, 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.

8 After EOI Applications Close

8.1 Evaluation of Applications
The Evaluation Team will evaluate each application in accordance with the evaluation criteria set out in Section 6 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 Team 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. Failure to comply may result in the submission being passed over/rejected.

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

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

8.3 **Scored and Weighted Evaluation Criteria**

Applications will be evaluated in terms of the scored and weighted evaluation criteria listed in Section 6, using a weighted scoring process. Any application that does not demonstrate that the applicant meets the minimum standard required by the Evaluation Team 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 the Department of Finance and Services; and/or
- information obtained from contact persons from client organisations.
REQUEST FOR EXPRESSIONS OF INTEREST - CONDITIONS FOR APPLICATIONS [v0.2]

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 shown in the table below.

<table>
<thead>
<tr>
<th></th>
<th>Unsatisfactory</th>
<th>Marginal</th>
<th>Acceptable</th>
<th>Good</th>
<th>Superior</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0 points</td>
<td>3 points</td>
<td>5 points</td>
<td>7 points</td>
<td>10 points</td>
</tr>
<tr>
<td>Time Management</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Standard of Work</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Quality Management Systems</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Competencies of Personnel</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subcontractor Management</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contract Administration</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cooperative Relationships</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Health &amp; Safety Management</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Environmental Management</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Financial Capacity</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

8.4 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 with 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.

8.5 Disclosure of Information

Details of any contract awarded as a result of a subsequent tender process will be disclosed in accordance with the Government Information (Public Access) Act 2009 (NSW) and Premier’s Memorandum 2007-01.

8.6 Changes Following Pre-Registration

Applicants must advise the Contact Person immediately of 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 capacities indicated, during any ETI 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. The replacement must have equivalent expertise and experience. Such changes will be taken into account in selecting tenderers and evaluating tenders.

8.7  **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 contract.

8.8  **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 Principal 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.
9 Appendix

9.1 Appendix A - Preliminary Design Drawings - STEA Architects
The following preliminary design drawings are provided to give an understanding of the new building and associated infrastructure:

- A00-01
- A01-02
- A01-21
- A01-22
- A02-10
- A02-21
- A02-22
- A02-23
- A02-24
- LA02-01
- LA02-02
- C301
- C302

9.2 Appendix B – Alternate preliminary Design Drawings – PB Eveleigh Plan Service
The following alternative preliminary design drawings are provided to give an understanding of the new building and associated infrastructure:

- 026-20 Revised Council Set - Rev A – 21 May 2020 (Sheets 1 to 6) by PB Eveleigh Plan Service

9.3 Appendix C - Upper Hunter Shire Council’s Statement of Business Ethics