## Part C – Response

Bidders are to complete the following parts of this Part C as part of their Response:

* Form A – Bidder’s Declaration
* Form B – OH&S
* Form C – Capability and Capacity
* Form D – Project Vision and Methodology
* Form E – Bidder’s Confidential Information

## Form A – Bidder’s Declaration

**Instructions for completing a statutory declaration**

Please complete the following form using the notes in the left-hand margin for guidance. More guidance on making statutory declarations can be found at [www.justice.vic.gov.au](http://www.justice.vic.gov.au).

When making the statutory declaration the person making the declaration must say aloud:

**I*, [full name of person making declaration]* of *[address],* declare that the contents of this statutory declaration are true and correct.**

**Both the person making the declaration and the witness must**

**1. sign or initial any alternation to the statutory declaration**

**2. sign or initial each page**

**Statutory Declaration**

**Note to Bidders:** The Victorian State Government's Supplier Code of Conduct (as amended from time to time) is available at the Buying for Victoria website: <https://www.buyingfor.vic.gov.au/supplier-code-conduct>

Development Victoria’s Modern Slavery Policy is available on the Internet at <https://www.development.vic.gov.au/about/policies-and-disclosures/policies/modern-slavery-policy>

The Commitment from Tender Participants is available from Section 4.1.5 of the Instructions for Public Construction Procurement in Victoria available from <https://www.dtf.vic.gov.au/public-construction-policy-and-resources/ministerial-directions-and-instructions-public-construction-procurement>

**Note this declaration must be signed by an Authorised Witness.**

I \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[Insert full name]

of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[Insert address]

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

[Insert occupation]

make the following statutory declaration under the **Oaths and Affirmations Act 2018:**:

**Definitions**

In this declaration:

“*Bidder*” means: [insert name of company, other body corporate, firm, or individual];

"*Contract*" means the proposed contract for the works or services (as the context requires) described in Part E of the EOI for the Project in the form attached to the EOI;

”*Development Victoria*” means Development Victoria of Level 9, 8 Exhibition Street, Melbourne, Victoria 3000;

"*EOI*" means the expression of interest issued by Development Victoria for the Contract;

“*Project*” means [insert];

"*Response Forms"* has the meaning given in the EOI;

**Preamble**

1. I hold the position of [insert title] of the Bidder and I am duly authorised by the Bidder to make this declaration on its behalf.
2. I make this declaration on behalf of the Bidder and on behalf of myself.

**Acceptance of EOI Conditions**

1. The Bidder accepts the requirements of the EOI including the EOI Conditions in Part A of the EOI.

**Submission of the Response**

1. The Bidder declares that the information set out in its Response (including any information provided in support of any preceding expressions of interest or accreditation process) is true and correct.
2. The Bidder submits its Response, including all attached Response Forms, in good faith and in the genuine belief that they are accurate and complete.
3. The Bidder:
   1. confirms it has made its own inquiries and has not relied upon the information in the EOI in submitting its Response; and
   2. acknowledges and agrees that nothing in the EOI or the conduct of the EOI process has resulted in the formation of a process contract between Development Victoria and the Bidder.
4. Neither the Bidder, nor any of its employees or agents has a potential, actual or perceived potential conflict of interest in relation to the Project, except as listed below:
   1. [Bidder to complete]
5. Neither the Bidder nor any of its employees or agents have engaged in any collusion, anti-competitive conduct or any similar conduct with any employee, agent or consultant of Development Victoria, any other bidder or any other person.
6. The details of the Bidder are as follows: [Bidder to complete]

|  |  |
| --- | --- |
| Name: |  |
| Registered office: |  |
| ABN: |  |
| ACN: |  |
| Contact Name (authorised agent): |  |
| Title: |  |
| Phone: |  |
| Email: |  |
| Company Registration numbers where applicable – e.g. Builder’s Registration number: |  |

**Additional information**

1. The Bidder will provide Development Victoria with any information or documents reasonably requested.

**Genuine Competition**

1. The Bidder is genuinely competing for the Project.
2. The Bidder has experience and expertise in carrying out works or services or both equivalent to the works or services (as the context requires) described in Part B of the EOI.
3. As at the date of this declaration, the Bidder has the capacity and resources to carry out the works or services (as the context requires) described in Part B of the EOI in a timely, competent and professional manner in accordance with the requirements (including the timing requirements) set out in the EOI.

### Compliance with Victorian State Government’s Supplier Code of Conduct, Development Victoria’s Modern Slavery Policy and Commitment from Tender Participants

1. The Bidder has read and understood the Victorian State Government’s Supplier Code of Conduct (the Code), the Development Victoria Modern Slavery Policy (the Modern Slavery Policy) and Commitment from Tender Participants (the Commitment).
2. The Bidder acknowledges that in the event that it is selected to supply Works, goods or Services to Development Victoria, the relevant Contract will contain an ongoing requirement for the Bidder to comply with all legal requirements, which in turn will require the Bidder to:
   1. understand the Code, the Modern Slavery Policy and the Commitment, including any amendments made from time to time; and
   2. meet the State's expectations of Suppliers as set out in the Code and the Commitments.

### Confirmation of Receipt of Addenda

The Bidder confirms receipt of any addenda issued during the EOI process and that they have incorporated all requirements set out in the addenda in their Response.

|  |  |
| --- | --- |
| TENDER ADDENDUM NUMBER AND DATE | RECEIVED AND REQUIREMENTS INCORPORATED? (YES / NO) |
|  |  |
|  |  |

### Authorisation

1. On behalf of the Bidder, I authorise Development Victoria to obtain such information as it reasonably requires in relation to the Bidder’s Response from third parties including, without limitation:
   1. any employees that the Bidder lists in its Response;
   2. any referees or client or other contacts whether provided by the Bidder in its Response or not and
   3. any other government bodies who have knowledge or experience of the Bidder.

I confirm that I am authorised to make this declaration on behalf of the Bidder and that I have read and accept all the terms set out in this declaration on behalf of the Bidder.

|  |  |  |  |
| --- | --- | --- | --- |
|  | **I declare that the contents of this statutory declaration are true and correct and I make it knowing that making a statutory declaration that I know to be untrue is an offence.** | | |
| *Signature of person making the declaration* |  | | |
| *Place (City, town or suburb)*  *Date* | **Declared at** |  | **\*in the state of Victoria** |
| on | | |
| *Signature of authorised statutory declaration witness*  *Date* | **I am an authorised statutory declaration witness and I sign this document in the presence of the person making the declaration:**  **The document was witnessed by audio-visual link in accordance with s.12 *Electronic Transactions (Victoria) Act 2000*:** *[strike out as applicable]*  on | | |
| *Name, capacity in which authorised person has authority to witness statutory declaration, and address (writing, typing or stamp)* | A person authorised under section 30(2) of the **Oaths and Affirmations Act 2018** to witness the signing of a statutory declaration. | | |

## Form B – OH&S

|  |  |
| --- | --- |
| Bidder Name: |  |
| EOI Reference Number: |  |
| Date: |  |

Identify what the Bidder considers to be the top five OH&S and environmental risks are for this procurement and how the Bidder will manage them:

|  |  |
| --- | --- |
| RISK | MANAGEMENT |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |

Complete this table if the Bidder holds pre-qualification under the Construction Supplier Register:

|  |  |
| --- | --- |
| STATUS AS PRE-QUALIFIED SUPPLIER UNDER CONSTRUCTION SUPPLIER REGISTER | RESPONSE |
| Does the Bidder hold pre-qualification under the Construction Supplier Register Pre-qualification Register?  If Yes, provide: | Yes / No |
| * Construction Supplier Register Pre-qualification Number |  |
| * List the categories for which the Bidder holds Pre-Qualification. For those categories that include maximum project limits, include the maximum project limit held by the Bidder for the relevant categories |  |
| **Bidder’s declaration regarding its pre-qualification status**  As at the date the Bidder submits its Response, the Bidder declares that it:   * remains listed on the relevant pre-qualification register, and   there has been no material change to the information submitted to satisfy the pre-qualification criteria (whether at the time of pre-qualification or re-qualification) whether positive or negative, that would affect the Bidder’s ability to satisfy the pre-qualification criteria. | Yes / No |

Complete this table if the Bidder holds pre-qualification under the VicRoads Register:

|  |  |
| --- | --- |
| STATUS AS PRE-QUALIFIED SUPPLIER UNDER VICROADS REGISTER | RESPONSE |
| Does the Bidder hold pre-qualification under the VicRoads Pre-qualification Register?  If Yes, provide: | Yes / No |
| * VicRoads Register Pre-qualification Number |  |
| * List the categories for which the Bidder holds Pre-Qualification |  |
| **Bidder’s declaration regarding its pre-qualification status**  As at the date the Bidder submits its Response, the Bidder declares that it:   * remains listed on the relevant pre-qualification register, and * there has been no material change to the information submitted to satisfy the pre-qualification criteria (whether at the time of pre-qualification or re-qualification) whether positive or negative, that would affect the Bidder’s ability to satisfy the pre-qualification criteria. | Yes / No |

Complete this table if the Bidder is not pre-qualified under the Construction Supplier Register or the VicRoads Register

|  |  |
| --- | --- |
| STATUS OF OHS MANAGEMENT SYSTEM | RESPONSE |
| Does the Bidder hold certification for its OH&S Management System, certified by a recognised independent authority accredited to JAS-ANZ or other international body.  Recognised independent authorities include:   * ‘SafetyMap’ * AS4801:2001 * Civil Contractors Federation Management Code * Australia Government Building and Construction WHS Accreditation Scheme * ISO 45001:2008   If Yes, provide: | Yes / No |
| * a copy of the Bidder’s OH&S Management System certification | *Insert Attachment reference* |

## Form C – Relevant Corporate and Project Team Experience

|  |  |
| --- | --- |
| Bidder Name: |  |
| EOI Reference Number: |  |
| Date: |  |

### Section A: Project Specific Questions

Bidders should provide brief answers to the following project specific questions:

|  |  |
| --- | --- |
| **QUESTION** | **BIDDER RESPONSE** |
| There is a requirement that the Bidder will engage with Traditional Owner communities during the project. How does the bidder propose to do this if they are successful on the project? |  |
| What is the most comparable project that the Bidder has delivered which is similar to Junction Place? |  |
| Has the bidder ever Defaulted on a Development Agreement or similar? If so, provide details |  |

### Section B: Relevant Corporate Experience

Bidders should provide an overview of recently completed projects (within last 8 years) which demonstrate their capability to develop the nominated sites.

Bidders should complete the Project Experience table below. Development Victoria may contact any or all of the contacts provided to seek details of the Project and the Bidder’s performance.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **PROJECT (Name and Address)** | | **DEVELOPMENT COST ($M)** | **COMPLETION DATE (actual or forecast)** | **DESCRIPTION OF PROJECT AND WORKS UNDERTAKEN BY BIDDER** | **CHALLENGES FACED AND HOW THEY WERE MANAGED** |
| 1. |  |  |  |  |  |
| 2. |  |  |  |  |  |
| 3. |  |  |  |  |  |
| 4. |  |  |  |  |  |
| 5. |  |  |  |  |  |

### Section C: Organisational Capability

Bidders are required to provide an overview of their company and personnel which demonstrates their ability to deliver the nominated sites. Limit 2 A4 pages.

|  |  |
| --- | --- |
| **COMPANY INFORMATION** | **ATTACHED** |
| Brief corporate biography, describing company’s establishment, current scope of operations, number of employees and ownership structure | Yes / No |
| Organisation chart | Yes / No |
| Details of proposed key personnel and their specific relevant experience in relation to this project | Yes / No |

## Form D – Project Vision and Methodology

|  |  |
| --- | --- |
| Bidder Name: |  |
| EOI Reference Number: |  |
| Date: |  |

### Section A: Project Vision and Methodology

Please indicate which sites in the Junction Place precinct that you are interested in: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |  |
| --- | --- |
| **Question** | **Bidder response (max 500 words each response).** |
| Provide details of your high level vision for the selected sites and how it delivers the Project Vision (Max 500 words). |  |
| How does the Bidder propose to incorporate the Community Aspirations and Values into their development? |  |
| There is a requirement that the Bidder will engage with the community. How does the Bidder propose to undertake this if they are successful on the project? |  |

Provide an overview of the built form outcome as well as the timing for each nominated site.

Please attach additional plans / drawings etc.

|  |  |  |
| --- | --- | --- |
| Site number | Built form outcome proposed | Timing |
|  |  |  |
|  |  |  |

### Section B: Innovation

The Bidder is requested to provide a brief description of any leading technologies, innovative and environmental solutions, best practices or strategic initiatives that the Bidder proposes for delivery of the Project.

|  |  |
| --- | --- |
| ITEM | DESCRIPTION |
|  |  |
|  |  |

## Form E – Bidder’s Confidential Information

|  |  |
| --- | --- |
| Bidder Name: |  |
| EOI Reference Number: |  |
| Date: |  |

If a Bidder wishes to withhold the disclosure of specific information, the Bidder must clearly identify the types of information and outline how the release of this information will expose trade secrets or expose the business unreasonably to disadvantage.

### Trade secrets

In considering whether specific information should be categorised as a trade secret, Bidders should assess:

* the extent to which it is known outside of the Bidder’s business;
* the extent to which it is known by the persons engaged in the Bidder’s business;
* any measures taken to guard its secrecy;
* its value to the Bidder’s business and to any competitors;
* the amount of money and effort invested in developing the information; and
* the ease or difficulty with which others may acquire or develop this information.

### Unreasonable disadvantage

In determining whether disclosure of specific information will expose a Bidder’s business unreasonably to disadvantage, Bidders should consider section 34(2) of the *Freedom of Information Act*. Broadly, Bidders should consider:

* whether the information is generally available to competitors;
* whether it could be disclosed without causing substantial harm to the competitive position of the business.
* Development Victoria may consider these applications in the evaluation of the Response.

|  |  |
| --- | --- |
| The Bidder considers the following information to be Trade Secrets, and requests it be treated as confidential: |  |
| The Bidder considers disclosure of the following information would expose it to unreasonable disadvantage and requests it be treated as confidential: |  |