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**NSW Procurement – Contracting Services is a Business Unit of the NSW  
Department of Commerce**

**NSW Procurement – Contracting Services invites this Expression of Interest for  
and on behalf of the  
NSW Government State Contracts Control Board**

<b>RFT No..</b>	<b>0802424</b>
<b>Expression of Interest (EOI)Title:</b>	Operation and Management of Parklea and Cessnock Correctional Centres - DCS
<b>Issue Date:</b>	19 December 2008
<b>Closing Date &amp; Time:</b>	<b>9:30 am (Sydney Time) 13 January 2009</b>
<b>Contact Officer:</b>	Dan Umali T: 1800 NSW BUY E: <a href="mailto:nswbuy@commerce.nsw.gov.au">nswbuy@commerce.nsw.gov.au</a>
<b>Document Structure</b>	PART A Summary EOI Information and the EOI Process PART B Response PART C Summary of Requirements
<b>Non-Refundable Hardcopy Document cost:</b>	\$110.00 (includes GST)*  Note: There is no charge for downloading an electronic copy from <a href="https://tenders.nsw.gov.au/commerce">https://tenders.nsw.gov.au/commerce</a>

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For the purposes of this EOI, inquiries should be directed to the Contact Officer of this EOI specified on page 1 of this document.

Other matters should be directed to:

Group General Manager  
NSW Procurement – Contracting Services  
NSW Department of Commerce  
McKell Building  
2-24 Rawson Place  
Sydney NSW 2000  
Tel: (02) 9372 7504  
Fax: (02) 9372 7533

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# ***PART A – SUMMARY EOI INFORMATION AND THE EOI PROCESS***

## **1. Summary Information for Respondents**

### **1.1 Introduction**

1.1.1 This document invites Expressions of Interest (EOI) for the provision of specialist services to operate and manage for the NSW Department of Corrective Services the correctional centres located at:

- Parklea, and
- Cessnock.

1.1.2 Respondents may submit a Response in respect of either Cessnock Correctional Centre **or** Parklea Correctional Centre **or** both centres.

1.1.3 Proposed Term of Contract is five (5) years and Option to extend for another three (3) years at the sole discretion of the Department.

1.1.4 The State Contracts Control Board (“the Board”) is responsible for the conduct of the EOI process assisted by NSW Procurement – Contracting Services.

### **1.2 Purpose of the EOI**

1.2.1 The seeking of Expressions of Interest is the first stage of a multi-stage tender process to enter into a contractual relationship with one or more suppliers for the provision of this requirement.

1.2.2 This EOI seeks to elicit information from potential suppliers on the availability and suitability of goods/services to meet the requirement.

The EOI response will also be used to:

- (a) Help determine the capacity and capability of suppliers to deliver the requirement; and
- (b) Provide indicative timeframes and strategies for delivery.

1.2.3 The second stage will also involve a “offer” phase, and the Board reserves the right, in its absolute discretion, to adopt any procurement strategy, following the evaluation of EOI responses, including (without limitation):

- (a) Invitation of public tenders;
- (b) Invitation of tenders from a short-listed group of EOI Respondents; or
- (c) Direct negotiation with a single EOI Respondent, or a single short listed EOI Respondent.

### **1.3 Structure of the Request for EOI**

1.3.1 This EOI is made up of Parts A, B and C. If submitting a response, retain Parts A and C. The completed Part B forms the Response.

1.3.2 The Response to this EOI should address the questions provided in the response section under Part B.

## **1.4 Addenda to the EOI before Close of Responses**

- 1.4.1 A Respondent may ask the Contact Officer for clarification of anything in the EOI before the Closing Date and Time. The Board may issue any instruction resulting from such request in writing to all Respondents in the form of an Addendum.
- 1.4.2 If for any other reason, the Board requires the EOI to be amended, an Addendum will be issued.
- 1.4.3 In each case, an Addendum becomes part of the EOI documents.
- 1.4.4 It is the obligation of the Respondents to verify if any addenda were issued prior to the closing date, even if a Response has already been submitted. They must obtain a copy of all addenda issued by the Board.
- 1.4.5 Where the EOI has been acquired in a hard copy form only and not through a system order, Respondents must contact the Contact Officer or the Tenders Office (during business hours (8:30am to 4:30pm) on the telephone number: 9372-8900, or e-mail [tenders@commerce.nsw.gov.au](mailto:tenders@commerce.nsw.gov.au)).
- 1.4.6 Where the EOI has been acquired in an electronic form from the eTendering system, Respondents must download the Addendum from <https://tenders.nsw.gov.au/commerce>.
- 1.4.7 All Addenda must be incorporated into a Response.

## **2. DEFINITIONS OF TERMS USED IN PARTS A - C**

- 2.1 Unless the context indicates otherwise, the following terms, where used in Parts A-C of this EOI, shall have the meanings set out below. Note that not all defined terms will appear in all EOI's.

“**ABN**” means an Australian Business Number as provided in the GST Law.

“**Addendum**” means an addendum or addition to this EOI made by the Board before the Closing Date and Time.

“**Board**” means the State Contracts Control Board established under the Public Sector Employment and Management Act 2002 whose responsibilities include:

- Inviting and accepting tenders/EOI's (as appropriate);
- Determining the conditions under which tenders/EOI's are invited or accepted (as appropriate);
- Entering into contracts on behalf of Departments and other public sector agencies; and
- On-going contract administration and management;

and includes the duly authorised delegates of the Board, including officers of NSW Procurement – Contracting Services.

“**Closing Date and Time**” means the Closing Date and Time by which full and secure receipt of EOI Responses must have taken place, as specified on the cover sheet to this EOI, or as amended.

“**Code**” means the *NSW Government Code of Practice for Procurement*, as amended from time to time, together with any other codes of practice relating to procurement, including any amendments to such codes, that may be applicable to the particular tender or EOI. The code can be viewed and downloaded from:

[http://www.treasury.nsw.gov.au/\\_data/assets/pdf\\_file/0015/1356/code\\_of\\_prac-curr.pdf](http://www.treasury.nsw.gov.au/_data/assets/pdf_file/0015/1356/code_of_prac-curr.pdf)

**“Deliverables”** means any goods and/or services outlined in this EOI at Part C and described fully in the Statement of Requirements to be issued in the next stage of procurement process.

**“EOI”** means the Expression of Interest No. 0802424.

**“General Manager”** means the General Manager of a Correctional Centre in terms of Section 3 of the *Crimes (Administration of Sentences) Act 1999 (NSW)*.

**“GST”** is a goods and services tax and has the same meaning as in the GST Law.

**“GST Free Supplies”** and **“Input Taxed Supplies”** have the same meaning as in the GST Law.

**“GST Law”** means any law imposing a GST and includes *A New Tax System (Goods & Services Tax) Act 1999 (Cth)* or if that Act does not exist, means any Act imposing, or relating, to a GST and any regulation made under those Acts.

**“Late Response”** means a Response received after the Closing Date and Time for Responses and includes a Response which is only partly received by the Closing Date and Time.

**“Principal”** means the Department of Corrective Services (NSW), and “Commissioner” as the head of DCS.

**“Response”** means the information provided by the Respondent to the EOI No. 0802424.

**“NSW Procurement – Contracting Services”** means a business unit of the NSW Department of Commerce representing the Board and authorised to arrange and administer contracts on behalf of the Board.

### **3. The EOI Process**

#### **3.1 Preparation of Response to the EOI – General**

- 3.1.1 Responses that do not include a fully completed Part B, in particular those Responses that do not contain sufficient information to permit proper evaluation to be conducted, or, in the case of electronic responses, which cannot be effectively evaluated because the file has become corrupt, may be excluded from the evaluation process without further consideration at the Board’s discretion.
- 3.1.2 All information provided by the Respondent in the EOI must be by indelible means. All EOI’s and support material must be in the English language.
- 3.1.3 Any alterations and erasures to a hard copy response provided to an EOI must be initialled by the Respondent.

#### **3.2 Preparation of Response to the EOI – Policy**

- 3.2.1 Respondents should read the main policy document listed below. Other relevant policies and particular policy objectives to be implemented through this procurement are drawn to Respondents’ attention in this clause. Their requirements are reflected in the selection criteria (if listed) and in the responses required in Part B.

NSW Government Procurement Policy

[http://www.treasury.nsw.gov.au/\\_data/assets/pdf\\_file/0004/3955/tpp04-1.pdf](http://www.treasury.nsw.gov.au/_data/assets/pdf_file/0004/3955/tpp04-1.pdf)

## **Code of Practice for Procurement**

- 3.2.2 Respondents must comply with the NSW Government Code of Practice for Procurement, which is available at:

[http://www.treasury.nsw.gov.au/\\_data/assets/pdf\\_file/0015/1356/code\\_of\\_prac-curr.pdf](http://www.treasury.nsw.gov.au/_data/assets/pdf_file/0015/1356/code_of_prac-curr.pdf)

- 3.2.3 Lodgement of a Response will itself be an acknowledgement and representation by the Respondent that it is aware of the requirements of the Code, that the Respondent will comply with the Code and that the Respondent agrees to provide periodic evidence of compliance with the Code.

- 3.2.4 If a Respondent has failed to comply with the Code, this failure will be taken into account by the Board when considering its Response to this EOI or any subsequent EOI or tender invitation and may result in this or any subsequent Response being passed over without prejudice to any other rights of action or remedies available to the Board.

### **3.3 Submission of Responses to the EOI**

- 3.3.1 A Response must be lodged into the designated tender box by the Closing Date and Time.

The tender must be lodged in the designated electronic Tender Box at:

<https://tenders.nsw.gov.au>

Login as an *eTendering* system user, locate the RFT web page, and follow any issued instructions and on-screen instructions to lodge the tender.

- 3.3.2 An alternative physical Tender Box is designated at:

Tender Box  
NSW Department of Commerce,  
Level 3 (ground floor west)  
McKell Building, 2-24 Rawson Place, Sydney, NSW

- 3.3.3 Where a Respondent is submitting multiple copies of a Response:

- (a) Respondent should clearly state on the front page/file name of the Response whether it is:

(1) A "Copy." A copy must be identical to an earlier or simultaneous submission in every respect.

(2) A "Variation." A variation of an earlier Response will be deemed as superseding a prior submission.

- (b) In the event that a Respondent fails to designate whether a submission is a Copy, or a Variation, the latest Response received in a NSW Department of Commerce Tender Box, in accordance with this EOI document will be deemed as the definitive submission.

### **3.4 Responses to the NSW Department of Commerce eTendering Website**

- 3.4.1 A Respondent is usually required, unless an alternative tender box is specified in this EOI, to lodge its Response electronically into an electronic tender box in the eTendering system through the NSW Department of Commerce tenders web site at:

<https://tenders.nsw.gov.au/commerce>

- 3.4.2 A Response 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 Responses lodged by other means.

- 3.4.3 A Respondent, by electronically lodging a Response, is taken to have accepted the condition detailed herein and on the NSW Department of Commerce eTendering website.
- 3.4.4 A Respondent must follow the following directions:
- (a) An EOI for which electronic lodgement is available through the website can be identified by the blue “Lodge a Response” link on the web page for the EOI.
  - (b) To lodge a Response electronically, the files containing the Response must be up-loaded through the web site. Access to the up-loading process is through the blue “Lodge a Response” link, then follow the steps and instructions on the NSW Department of Commerce eTendering website and any instructions which may have been supplied with the EOI Summary and/or Summary File.
- 3.4.5 A Respondent must observe the following format for submissions:
- (a) An electronically lodged Response must be lodged in a file format which can be read, formatted, displayed and printed by Microsoft Word 2000, or any other format required by the EOI, below:
  - (b) If a Respondent compresses files, it must be possible to decompress them using WinZip. A Respondent must not submit self-extracting (\*exe) zip files.
  - (c) A Respondent must not change pre-existing text in the EOI other than to insert the required information.
- 3.4.6 Signatures are not required for a Response submitted to the NSW Department of Commerce Tenders web site. A Respondent must ensure that a Response is authorised by the person or persons who may do so on behalf of the Respondent and appropriately identify the person and indicate the person’s approval of the information communicated.
- 3.4.7 Electronically submitted Responses may be made corrupt or incomplete, for example by computer viruses. The Board may decline to consider a Response that cannot be effectively evaluated because it is incomplete or corrupt. Note that:
- (a) To reduce the likelihood of viruses, a Respondent must not include any macros, applets, or executable code or files in a Response;
  - (b) A Respondent should ensure that electronically submitted files are free from viruses by checking the files with an up to date virus-checking program before submission.
- 3.4.8 Access is available 24 hours a day, 7 days per week, except for periods of programmed maintenance or outages. Tenderers should ensure that lodgement is made as soon as possible in the tender period.
- If a Respondent experiences any persistent difficulty with the NSW Department of Commerce tenders web site in submitting a Response or otherwise, it is encouraged to advise the Contact Officer.

### **3.5 Responses in Hard Copy**

3.5.1 Any Responses submitted in hard copy through a specified physical tender box must:

- be enclosed in a sealed container such as an envelope and marked with the designated tender box, the EOI No 0802424., name of contract, closing date and time,
- be able to be lodged. The standard tender box slot is 90mm by 400mm and hard copy tenders should be packaged to fit, or alternative arrangements made. Agencies reserve the right to reject receipt of any tender that may impact staff for OH&S reasons, and
- be provided in “Original” and three (3) copies of the Response.

### **3.6 Custody of Responses after Receipt**

3.6.1 All Responses submitted are kept in a NSW Department of Commerce Tender Box, which is secure, until after the Closing Date and Closing Time.

- (a) On receipt of Responses lodged electronically through the NSW Department of Commerce Tenders web site, all Responses are encrypted and stored in the secure “electronic tender box.”
- (b) For reasons of probity and security, NSW Department of Commerce is prevented from interrogating the electronic tender box to ascertain whether Responses have been received, until after the Closing Date and Closing Time.
- (c) The e-mail receipt that is sent to the Respondent after successfully up-loading the Response is the only official evidence of Response lodgement provided.

### **3.7 Late Responses**

3.7.1 Late Responses should not be considered except where the Board is satisfied that the integrity and competitiveness of the EOI process has not been compromised. The Board shall not penalise any supplier whose Response is received late if the delay is due solely to mishandling by the Board.

### **3.8 Ownership of responses**

3.8.1 All information submitted in response to the Expression of Interest shall become the property of the Board. All such material shall be treated as “Commercial in Confidence” and will only be disclosed for the purposes of evaluation or as required by law or government policy. The Board may make copies of the responses for any purpose related to the evaluation of the EOI.

### **3.9 Clarification by respondent while EOI is open**

3.9.1 During the EOI invitation period, Respondents may seek clarification of the general or technical areas of the EOI through the contact person nominated in the advertisement and/or EOI invitation document.

3.9.2 Where a clarification given to one Respondent provides significant information about the EOI, this information will be included in an Addendum to inform all other potential Respondents.

### **3.10 Extensions to the time an EOI is open**

3.10.1 The EOI invitation period is set to provide sufficient time for Respondents to consider and respond to the requirement. Shorter or longer periods are set, depending on such factors as urgency or complexity of the requirement.

3.10.2 Extensions will not occur unless there are exceptional circumstances.

- 3.10.3 Determination of requests for extension by potential Respondents will take account of both the particular circumstances and timeliness of the request.

### **3.11 Respondents to inform themselves**

- 3.11.1 Respondents shall be deemed to have:

- a) examined the invitation documents and any other information made available in writing by the NSW Government to Respondents for the purpose of responding to the invitation;
- b) examined all information relevant to the risks, contingencies, and other circumstances having an effect on their EOI and which is obtainable by the making of reasonable enquiries; and
- c) satisfied themselves as to the correctness and sufficiency of their Response for the purpose of this EOI process.

- 3.11.2 Should a Respondent find any discrepancy, error or omission in the invitation documents the Respondent shall notify NSW Procurement – Contracting Services in writing thereof on or before the closing date and closing time.

### **3.12 Variation of Responses**

- 3.12.1 At any time before the Board decides on an appropriate procurement strategy (including, but not limited to, the short-listing of EOI Respondents for purposes of submitting fixed-price proposals), a Respondent may vary its Response:

- (a) by providing the Board with further information by way of explanation or clarification (“provide an explanation”);
- (b) by correcting a mistake or anomaly (“correct a mistake”); or
- (c) by documenting agreed changes to the Response negotiated under Part B.

- 3.12.2 Such a variation may be made either:

- (a) at the request of the Board, or
- (b) with the consent of the Board at the request of the Respondent,

but only if,

- (c) in the case of variation requested by the Respondent to provide an explanation or correct a mistake, it appears to the Board reasonable in the circumstances to allow the Respondent to provide the explanation or correct the mistake or anomaly.

If a Response is varied to provide an explanation or correct a mistake, the Board will provide all other Respondents whose Responses have similar characteristics with the opportunity of varying their Responses in a similar way.

- 3.12.3 A variation of a Response will not be permitted if in the Board’s view:

- (a) it would substantially alter the original Response; or
- (b) in the case of variation to provide an explanation or correct a mistake, it would result in the revising or expanding of a Response in a way which would give a Respondent an unfair advantage over other Respondents.

### **3.13 Evaluation of EOI Responses**

- 3.13.1 Respondents are advised to respond clearly to all the information requirements listed in this invitation.

- 3.13.2 Responses will be assessed against the selection criteria listed below, which are not necessarily exhaustive, in order of significance or to be given equal weight.
- 3.13.3 Information supplied by the Respondent in Part B will contribute to the assessment against each criterion.

### **3.14 Selection Criteria**

To qualify to the next stage, Respondents must demonstrate their capabilities in respect of the following four criteria:

- Management of existing correctional services(mandatory)
- Previous record of custodial services, including details of previous critical incidents (such as deaths in custody, escapes and loss of control).
- Demonstrated performance in correctional management services. Respondents should provide two (2) references or performance certifications.
- Demonstrated financial capacity to perform the services.

### **3.15 Clarification of response may be sought.**

- 3.15.1 During the evaluation phase a Respondent may be contacted by an officer of the evaluation committee to clarify their EOI.
- 3.15.2 If interviews or formal presentations are required, these may be arranged at the premises of the Respondent or another place nominated by NSW Procurement – Contracting Services.

### **3.16 Access to Respondent's Premises**

- 3.16.1 Respondents shall note that their premises and facilities may be inspected during the EOI evaluation phase. Reasonable notice will be provided to Respondents of any proposed inspection. Inspections will be carried out between the hours of 9.00 am to 5.00 pm Monday to Friday.
- 3.16.2 The lodging of an EOI for this requirement will be taken as an acknowledgement and acceptance of the above. Failure by any Respondent to agree to an inspection may result in its EOI not receiving further consideration.

### **3.17 Outcomes**

- 3.17.1 The EOI evaluation committee's recommendations are submitted to the Board or a Delegate of the Board.
- 3.17.2 The Board is not bound to enter into a contracting arrangement with any Respondent.
- 3.17.3 Following the Board's decision, all Respondents are notified in writing of the outcome of their EOI.

### **3.18 Discontinuance of Process –**

- 3.18.1 In addition to its right to decide on any of the procurement strategies identified at clause 1.2.3, the Board reserves the right to discontinue the procurement process at any point, without making a determination regarding the invitation of expressions of interest from one or more Respondents.

- 3.18.2 The Board will not be liable for any losses suffered by a Respondent as a result of discontinuance of the procurement process, including costs of responding.

### **3.19 Disclosure of Information by Respondent**

- 3.19.1 No potential Respondent shall disclose any information relating to this Expression of Interest process or the required services via any media release or any other publication without the prior written consent of NSW Procurement – Contracting Services.
- 3.19.2 NSW Procurement – Contracting Services has no objection to the potential registrant copying the EOI document only for internal working purposes in preparing the Response.

### **3.20 Disclaimer**

- 3.20.1 The Board is not committed contractually in any way to those individuals, partnerships or organisations whose Responses are accepted. The issue of this invitation for Expressions of Interest does not commit or otherwise oblige the Board to proceed with any part or steps of the process.
- 3.20.2 Whilst the information contained in this invitation for Expressions of Interest has been formulated with all due care, the Board does not warrant or represent that the information is free from errors or omissions. The information is made available on the understanding that the Board and its respective employees and agents, shall have no liability (including liability by reason of negligence) for any loss, damage, cost or expense incurred or arising by reason of any person using or relying on the information and whether caused by reason of any error, omission or misrepresentation in the information or otherwise.
- 3.20.3 Furthermore, the Board takes no responsibility for the accuracy, currency, reliability and correctness of any information included in this EOI.

### **3.21 Complaints on EOI Process**

- 3.21.1 Should any Respondent feel that it is unnecessarily precluded from responding or penalised in any way by terms or specifications, it is invited to write, in confidence to:

The Chairperson  
State Contracts Control Board  
Level 22, McKell Building  
2-24 Rawson Place  
SYDNEY NSW 2000

### **3.22 Notification of Short Listed Respondents**

- 3.22.1 No Respondent shall be deemed to have been short-listed until the Respondent has been notified of such by NSW Procurement – Contracting Services in writing.

### **3.23 Code of Conduct and Ethics**

- 3.22.1 NSW Government has published a Code of Practice for Procurement that all parties to this EOI are to adhere to. Conniving and/or inducing a breach of the Code shall constitute grounds for the exclusion of a Respondent's EOI. The Code can be obtained from: [http://www.treasury.nsw.gov.au/procurement/cpfp\\_ig](http://www.treasury.nsw.gov.au/procurement/cpfp_ig)

### **3.24 No Economic Opportunity**

- 3.24.1 By lodgement of an EOI with the State Contracts Control Board, the Respondent affirms that it has not given, offered to give, nor intends to give at any time thereafter, any inducement or reward including any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favour or service to any public servant or employee, agent or subcontractor of the Department of Commerce or the Government of New South Wales in connection with the submitted EOI.
- 3.24.2 If the Respondent is found to have offered any inducement or reward in accordance with the preceding paragraph, or is found to have committed corrupt conduct in accordance with the provisions of the Independent Commission Against Corruption Act 1988, the EOI lodged by the Respondent shall be disqualified.

NOTE: Respondents should note that any offer of an inducement or reward to any employee or agent of the Government of New South Wales in connection with the invitation and submitted EOI may constitute a criminal offence under the Crimes Act 1900 and/or corrupt conduct under the Independent Commission Against Corruption Act 1988.

### **3.25 Freedom of Information**

- 3.25.1 The Freedom of Information (FOI) Act 1989 gives to members of the public, rights of access to official documents of the New South Wales Government and its agencies. The Act extends, as far as possible, the right of the community to access information (generally documents) in the possession of the New South Wales Government, limited only by considerations of the protection of essential public interest and of the private and business affairs of persons in respect of whom information is collected and held by departments and public authorities.
- 3.25.2 Should a request be made under the FOI Act (other than routine disclosure of tender and contract information as provided in the Act or disclosures made in accordance with the NSW Government Tendering Guidelines) a decision by the NSW Government to grant or refuse access to EOI, tender and/or contract documents considered to be 'commercial-in-confidence' would normally be made only after consultation with the Respondent, tenderer or contractor concerned. Such consultation would nevertheless be without prejudice to any decision to release the information, such decision ultimately being determined by the requirements of the FOI Act.

### **3.26 Exchange Of Information Between Government Agencies**

- 3.26.1 Lodgement of a Response will itself be an authorisation by the Respondent to the Board to make available, on request, to any NSW Government agency information, including but not limited to, information dealing with the Respondent's performance for any agreement that may ultimately be awarded. Such information may be used by the recipient NSW Government agency for assessment of suitability for pre-qualification, selective tender lists, expressions of interest or the award of a contract or termination of contract.

The provision of the information by the Board to any other NSW Government agency is agreed by the Respondent to be a communication falling within section 30 of the Defamation Act 2005 (NSW), and the Respondent shall have no claim against the Board and the State of New South Wales in respect of any matter arising out of the provision or receipt of such information, including any claim for loss to the Respondent arising out of the communication.

In the evaluation of Responses, the Board may take into account any information supported by some evidences about the Respondent that the Board receives from any source.

To avoid doubt, information which may be collected, exchanged and used in accordance with this provision includes "personal information" about the Respondent for the purposes of the Privacy and Personal Information Protection Act 1998. Lodgement of a Response will be an authorisation by the Respondent to the Board to collect such information from third parties, and to use and exchange such information in accordance with this clause.

The Respondent's attention is drawn to the Freedom of Information (FOI) Act 1989 which may confer rights, subject to the terms of that Act, to access, and to require the correction of, information held by certain agencies.

## **4. Probity Process**

The fundamental objective of the Department of Corrective Services (DCS) purchasing processes is to ensure that the DCS achieves best value for money whilst being fair, ethical and transparent. To assist with this objective, the DCS has appointed a Probity Auditor. The Probity Auditor's role in the selection process will include:

- to monitor that the procedures adopted in the receipt of submissions, and the assessment process are fair and equitable and that the probity of the process is independently validated;

- monitoring and reporting to the DCS that the assessment process and procedures have been followed and that the outcome is capable of being independently validated;
- to monitor that appropriate processes were adhered to and that no Respondent was given an unfair advantage or was unfairly discriminated against;
- providing guidance to the DCS as to how unforeseen probity issues could be resolved;
- monitoring communication during the period between submission of Responses and final decisions; and
- preparing a report outlining the work performed, any issues that arose during the process and confirming that the assessment process and procedures have been followed.

The Probity Auditor is not a part of the assessment panel and will not be involved in the actual assessment of any Response, but is an independent observer of the process. Respondents who have any concerns about the conduct or probity of the selection process should promptly bring their concerns to the attention of the Probity Auditor Mr Rory O'Connor:

Phone:	+61 2 9322 7627	Deloitte
Facsimile:	+61 2 9255 8433	Grosvenor Place
Email:	roroconnor@deloitte.com.au	225 George Street
		Sydney NSW 1217 Australia

Applicants are required to bring to the attention of the Contact Officer or the Probity Auditor, as soon as possible, any probity related issues of which they become aware of.



NSW Procurement – Contracting Services is a Business Unit of the NSW  
Department of Commerce

## *PART B - RESPONSE*

Expression of Interest (EOI) No.0802424

Title: Operations and Management of Parklea and  
Cessnock Correctional Centres, DCS

Your Company's Legal Name: <Insert Company name>

Your Company's Trading Name: <Insert Trading name>

Contact Name: <Insert name of Contract Administration  
Officer>

Contact Phone: <insert telephone no>

## ***PART B - INFORMATION TO BE PROVIDED BY RESPONDENTS***

Respondents are required to provide the following information. Attachments may be used in providing information where insufficient space is available, however such attachments should be as brief as practical while conveying the required information. Tenderers must tick the option(s) relevant to their response, where provided.

### **A. Company Details**

Trading Name: \_\_\_\_\_  
(if any)

Company Name: \_\_\_\_\_

ACN No.: \_\_\_\_\_

ABN No.: \_\_\_\_\_

Registered Office Address:

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

Postal Address if different from above:

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

Actual Address if different from above:

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

*(details below required in setup of secured access for 2<sup>nd</sup> stage of tendering)*

Name of contact person: \_\_\_\_\_

Position in Company: \_\_\_\_\_

Telephone: \_\_\_\_\_  
and/or Mobile: \_\_\_\_\_

Facsimile: \_\_\_\_\_

Email Address: \_\_\_\_\_

Indicate whether EOI is for: ☐ Parklea only or ☐ Cessnock only or  
☐ BOTH

**Responder must demonstrate their capabilities by providing information in accordance with the four Selection Criteria for this EOI 0802424 as follows:**

## **B. Response to Selection Criteria**

### **1. Management of existing correctional services (Mandatory).**

Current correctional facilities managed (including type, profile, scope of services).

Examples of where innovative management and correctional practices have been implemented in the delivery of services.

### **2. Previous record of custodial services, including details of previous critical incidents**

Performance reports/information regarding custodial services and the numbers of critical incidents e.g. deaths in custody, escapes and loss of control.

### **3. Demonstrated performance in correctional management services.**

Respondents should provide:

- (a) two (2) referee reports regarding previous performance in the delivery of correctional management services; or
- (b) two (2) performance certifications related to correctional facilities managed including the delivery of services against the standard guidelines for corrections.
- (c) Or Respondent may provide one (1) reference and one (1) performance certification.

### **4. Demonstrated financial capacity to perform the services**

Full audited financial statements for the past three years (including, where relevant, both operating and holding/parent companies).

Where relevant, an "organisation chart" showing operating and holding companies and related bodies corporate should also be provided.

## *Attachment 1- Further Information to be provided by Respondents*

<Guide Note: Any matters not directly requested for response in Part B can be covered from this point onwards or as a separate proposal. Ensure you tag each document as to which Criterion you intended it to be considered.>



**State Procurement is a Business Unit of the NSW Department of  
Commerce**

Expression of Interest (EOI) No.0802424

Title: Operation and Management of Parklea  
and Cessnock Correctional Centres, DCS

*PART C – Summary of Requirements*

## **PART C – SUMMARY OF REQUIREMENTS**

For purposes of this EOI 0802424, a Summary of Requirements is provided below. The full Statement of the Requirements is issued in the next stage of procurement process.

### **1. The Services**

As stipulated in the Department of Corrective Services' Corporate Plan, Offender Management in Custody, the following services will be provided at Cessnock and Parklea Correctional Centres:

- Custodial correctional centre management
- Offender specific programs
- Therapeutical programs
- Programs for offenders with identified specific needs.

The Department of Corrective Services ("the Department") seeks to procure the following specialist operations and management services at Cessnock Correctional Centre and Parklea Correctional Centre:

(a) safe custody and secure management of a range of inmates, including:

- minimum and maximum security sentenced male inmates;
- local new receptions of male inmates of all security classifications;
- remand male inmates (medium and minimum security); and
- to facilitate the appearance of male inmates of all security classifications at court, or to facilitate compassionate escorts or transfer of male inmates of all security classifications to other correctional centres; and

(b) facilities and services for education, training, industry and other programs and services to address criminogenic needs.

Respondents may submit a Response in respect of either Cessnock Correctional Centre or Parklea Correctional Centre or both centres. The Department may ultimately contract management of each correctional centre to different operators.

Respondents who submit proposals in respect of both centres are requested to clearly indicate whether, if short listed, they would consider submitting a proposal for one centre only (and, if relevant, which centre).

The Department anticipates entering into a separate services agreement for each of Cessnock Correctional Centre and Parklea Correctional Centre.

### **2. Overview of New South Wales Correctional System**

The Department currently operates 31 correctional centres, which are located throughout the State.

As at 23 November 2008, the number of inmates in full-time custody was 9971. In addition, the Department's Community Offender Services was supervising in excess of 17,966 offenders on community based orders.

The Department opened a new 600 bed correctional centre at Kempsey on the mid-north coast in July 2004. This centre was opened and managed in line with the Department's "Way Forward" model.

The Department opened a new 200 bed correctional centre at Berkshire Park Windsor in July 2004. This centre is a purpose build centre for women and was also opened and managed in line with the Department's "Way Forward" model.

The Department also opened a new 650 bed correctional centre at Wellington in September 2007. This centre was opened and managed in line with the Department's "Way Forward" model.

A new 600 bed correctional centre is being planned for Nowra on the South Coast and should be commissioned in 2010.

During 2007/2008 financial year the Department employed in excess of 6,700 staff, of various classifications (i.e. permanent, temporary, contract and casual), with the net cost of services \$883 million.

### **3. The Department's Inmate Management Philosophy and Strategies**

The Department's Vision, Mission, Principles and Key Result Areas provide the framework for a cohesive and consistent correctional system in New South Wales. The Department has developed new management specifications within the framework of the Key Result Areas of the Corporate Plan to be applied at Cessnock Correctional Centre and Parklea Correctional Centre.

The Department is committed to case management as the organising principle and key strategy for inmate management in New South Wales. Case management is a critical component of the Department's responsibility to inmates, and provides the Department with the means to offer effective "throughcare" in a systematic way.

The goal of case management is to securely manage inmates in a safe and humane environment which promotes positive interaction between staff and inmates, and encourages inmates to acquire attitudes and skills necessary for reintegration into the community. Case management also involves the extensive documentation of an inmate's interactions with staff. To more effectively address its core activity, the Department is targeting inmates who are at a high risk of reoffending and/or self harm and suicide.

Accordingly, assessment procedures and programs are being developed in a structured and consistent format to provide relevant social and cognitive skills necessary to avoid a relapse into offending behaviour, with a community focus component. This is linked to the NSW State Plan, Priority R2 "reduce reoffending". The State Plan specifies a target for the Department: "We will reduce the population of offenders who reoffend within 24 months of being convicted by a court by 10% by 2016".

### **4. Role of the Correctional Centres and relationship with other correctional centres**

#### Role of Cessnock Correctional Centre and relationship with other correctional centres

Cessnock Correctional Centre was opened in June 1974. As well as receiving inmates from other NSW correctional centres Cessnock Correctional Centre receives inmates directly from Newcastle Court Cells and Police.

Cessnock Correctional Centre has a current inmate holding capacity of 464, with a number of inmates serving a proportion of their sentence in other correctional centres.

The current inmate population consists mainly of sentenced minimum security inmates; however there is maximum security section with accommodation for up to 70 remand, reception and sentenced inmates. There is further accommodation for 40 protection inmates.

The centre has 4 security cells at the rear of the Reception Room.

There is an additional accommodation unit consisting of 10 purpose built camera and safe cells, comprising of 3 double and 7 single cells. This gives an overall capacity of 13 beds, allowing them to be used for managing inmates at risk of self harm and with mental health issues.

A 250 maximum security bed extension to Cessnock Correctional Centre is planned.

It should be noted that although the current inmate population mix consists mainly of minimum security, remand and protection inmates, the Department reserves the right to alter that mix to meet the operational requirements of the New South Wales correctional system, at any time during the term of any agreement with a private sector operator.

### Role of Parklea Correctional Centre and relationship with other correctional centres

Parklea Correctional Centre was built as a maximum security institution for 220 inmates as a result of a recommendation of the Royal Commission into NSW Prisons (1976-8). It received its first inmates in November 1983.

In 1996, Parklea Periodic Detention Centre was opened external to the perimeter walls of the main centre for 80 weekend periodic detainees. In 2005 the Periodic Detention Centre was closed and periodic detainees were relocated to the Metropolitan Periodic Detention Centre in the Parramatta Correctional Complex. Work release inmates were relocated into the area formerly occupied by Parklea Periodic Detention Centre.

On 20 February, 2003 Area 5 was opened to house an additional 222 inmates. Parklea Correctional Centre houses 823 remand and sentenced maximum and minimum security inmates, including a Works Release Centre for 80 inmates.

The population mix of the Centre includes long term remands, short term remands, inmates on protection, appellants, newly convicted and inmates required for metropolitan and regional courts.

Comprehensive induction, screening and assessment process is undertaken with all new reception inmates. Parklea Correctional Centre receives fresh custody inmates Monday to Friday, and inter-centre transfers from other correctional centres.

### **5. Inmate Population – Cessnock and Parklea Correctional Centres.**

On the NSW Inmate census taken on 30 June 2007 there were 442 inmates held at Cessnock Correctional Centre and 799 at Parklea Correctional Centre.

As at 9 November 2008 the classification breakdown of the Cessnock inmate population was as follows:

- 337 were minimum security (i.e. C1, C2 and C3) inmates; and
- 109 were maximum security inmates comprising 62 remands (A2U) and 47 sentenced inmates.

As at 9 November 2008 the classification breakdown of the Parklea inmate population was as follows:

- 79 were minimum security (i.e. C1, C2 and C3) inmates; and
- 734 were maximum security inmates comprising 557 remands (A2U) and 177 sentenced inmates.

(For a definition of the security ratings, please see clauses 10 and 11 of the *Crimes (Administration of Sentences) Regulation 2008*).

The table next page provides inmate population data at Cessnock and Parklea Correctional Centres, by security classification, as at 28 November 2008:

# INMATE POPULATION DATA

	Cessnock CC	Parklea CC
Classification	No.	No.
unsentenced and unclassified	6	18
sentenced & unclassified	12	4
unclassified appellant	0	1
unclassified form 7	3	0
unsentenced A2	9	378
A2	1	35
unsentenced B	20	117
B	13	42
unsentenced E 1	0	10
E1	0	3
unsentenced E2	2	9
E2	8	15
unsentenced C1	13	9
C1	163	36
unsentenced C2	1	1
C2	185	90
C3	7	16
CDT2	0	3
TOTAL	443	787