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Note: This file may contain a brief scope statement, or an extract from the RFT documents, or a full exhibited copy – depending on the specific circumstances.

To participate in this tender process you MUST first download or order a full copy of the Request for Tender (RFT) documents, including the respondable components, and any addenda issued to date.

To do this return to the RFT web page on this web site and copy the RFT documents to your own computer or network – the blue "DOWNLOAD A SOFT COPY" link at the bottom provides access to the page from which you can do this.



STATE PROPERTY AUTHORITY

CALL FOR EXPRESSION OF INTEREST CONTRACTOR FOR REMEDIATION OF FORMER RADIUM HILL COMPANY SITE, NELSON PARADE, HUNTERS HILL

Closing 9.30 am 4 November 2009

RFT ID No.: 0902204 EOI



Expressions of Interest (EOI) are invited for the following contract:

'l'itle•	Contractor for Remediation of former Radium
	Hill Company Site, Nelson Parade, Hunters Hill

Enquiries regarding this Call for Expressions of Interest should be directed to the Contact Officer:

Contract Officer	Jeff Goodchild
Contact Officer:	DO NOT SEND RESPONSES TO THIS OFFICER
	jeff.goodchild@spa.nsw.gov.au
Email:	DO NOT SEND RESPONSES TO THIS ELECTRONIC ADDRESS

Expressions of Interest must be submitted by the Closing Time and Date.

Closing Time & Date: 9.30 am 4 November 2009



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1. Background

1.1 State Property Authority

The State Property Authority (SPA) is a major owner and manager of property for the NSW Government. In addition to owning and managing state properties e.g. Government office buildings, SPA also acquires and divests properties and undertakes development projects on behalf of Government or client agencies. Recent development projects include the development of Parramatta Justice Precinct, managing an Expression of Interest for the development of a new commercial village at Perisher and a tender for redevelopment of Berrys Bay.

1.2 Project Summary

SPA owns properties at 7 -11 Nelson Parade, Hunters Hill which were contaminated with radiological material by the operations of the Radium Hill Company between 1911 and 1916.

Houses previously located on 7 and 9 were demolished in the 1980s. It is likely that some residual building material remains on site. This material may include fibro sheet asbestos. No 11 has a substantial suspended concrete slab residence over 4 levels.

The total site contains approximately 3000 m3 of soil to be removed. Soil in the upper part of the site contains radiological material which has been classified as Restricted Solid Waste and needs to be removed. Some of this soil is located behind man made retaining walls on the upper part of the site which may need to be demolished and the stone blocks stored on site. Restoration of any retaining walls demolished during the remediation project or replacing the excavated material with clean fill is not envisaged.

Areas on the lower part of the site/harbour foreshore contain hydrocarbons and are generally behind man made sea walls. This material will need to be removed, the sea walls reinstated and the area reinstated with clean fill.

SPA has engaged the Australian Nuclear Science and Technology Organisation (ANSTO) for site testing on all parts of the site and technical advice.

ANSTO is conducting testing on the house on No 11. Subject to the results of ANSTO's testing, the house may need demolition. ANSTO is also testing areas of the harbour bed. Subject to ANSTO's test results approx 500 m3 of material on the harbour bed may need to be removed and disposed.

Testing and classification of all material will be undertaken prior to SPA seeking tenders.

Adjoining private properties may need a quantity of material located in backyards to be removed as part of the contract. SPA is negotiating with the owners to determine if owners wish any material to be removed and details of quantities.

SPA intends that, as a result of this EoI process, selected entities will be invited to participate in an Early Contractor Involvement (ECI) process for this Project. The ECI process will make use of the contractors' construction skills and experience to facilitate finalisation of documentation and appropriate allocation of risks.



Entities invited to participate in the ECI processes may ultimately be invited to submit tenders for construction of the works.

During the project planning phase, the successful tenderer will outline the proposed remediation work methods as input and to assist SPA, Government Regulatory bodies, and the Environmental Assessment consultant in finalising the Environmental Assessment documentation for submission to the Department of Planning.

It should be noted that planning approval has not yet been granted for this Project and the Project can only proceed to construction if that planning approval is obtained.

As a guide, planning approval is currently expected in mid 2010 and the aim is to award the contract in mid 2010.

1.3 Site

The site has a significant slope from Nelson Parade to the harbour with a total drop of approximately 26 metres. There are two major drops; one of approx 10 metres and the other of approx 4 metres. Retaining walls on top of natural cliffs have been backfilled to provide terraced areas over the site.

The site is currently heavily overgrown. SPA has engaged contractors to clear the site of vegetation to a level of approx 15 centimetres above ground. This work will be finalised in October 2009.

Following the clearing a site survey will be conducted and made available.



2 Key Capabilities Required

It is expected that the contractor selected by SPA shall have the following environmental and engineering capabilities:

- civil works for remediation of contaminated sites;
- sheet piling and associated marine works;,
- contaminated soil waste tracking;
- disposal of contaminated soils and acid sulphate soils;
- remediation of marine sediments;
- management of environmental consultants including preparation of Remediation Action Plans;
- building work, including masonry retaining walls construction;
- traffic management;
- demolition;
- relocation of services and or road repairs and re-instatement; and
- site restoration.

SPA will make commercial arrangements with an appropriate landfill site for disposal of the material to be removed.



3 Procurement process

3.1 The Process

The procurement process will have the following four stages:

- Stage 1 Call for Expressions of Interest (EoI)
- Stage 2 Early Contractor Involvement (ECI)
- Stage 3 Request for Tenders (RFT)
- Stage 4 Finalisation and Contract Award

3.2 Stage 1 – Call for Expressions of Interest

Stage 1 is the current stage and the subject of this document.

Objective of Stage 1

The objective of Stage 1 is to short-list entities (as "prospective contractors") that SPA considers:

- have the:
 - necessary NSW Safety accreditation (or are committed to obtaining such accreditation by the time of Stage 3 – RFT); and
 - capabilities and capacity to undertake the remediation works (see 1.2 above); and
- are prepared to work collaboratively with SPA in an ECI process.

Evaluation of Expressions of Interest

The EoI will be evaluated by an EoI Evaluation Panel that will include representatives from:

- SPA;
- NSW Maritime;
- NSW Public Works; and
- Private consultant.

An independent financial assessment of each respondent to this EoI will also be considered by the Evaluation Panel.

Acceptance of Expressions of Interest

Acceptance or rejection of any response to this Eol is at the absolute discretion of SPA It may choose to accept no response(s) or any response(s), whether conforming or not.



Short-listing

SPA intends to short-list up to four entities as prospective contractors to participate in Stage 2 (ECI). Following the announcement of the shortlist of prospective contractors, draft Contract documentation and the draft Risk Allocation Register will be issued to those shortlisted.

3.3 Stage 2 – Early Contractor Involvement

SPA will work collaboratively with prospective contractors in an (ECI) process designed to assist both SPA and the Contractor in the delivery of this project.

In parallel, SPA will evaluate the performance of prospective contractors throughout the ECI process together with an evaluation of responses to the EoI to determine which prospective contractors are to be invited to participate in Stage 3 (RFT).

Prospective contractors will be entitled to be compensated for their participation in Stage 2 up to a maximum amount of \$5,000 (inclusive of GST). The commercial basis for this compensation will be provided at the time of invitation to participate. Apart from payment of this fee SPA will not bear any costs incurred by entities in relation to the preparation, submission, and any subsequent dialogue with SPA for participation in Stage 2.

Objectives of Stage 2

The objectives of Stage 2 are to:

- ensure prospective contractors are fully informed about the remediation, commercial conditions, and SPA's expectations;
- assess options for the remediation which are practical from a construction perspective;
- confirm assumptions regarding the programming of critical aspects of the work;
- identify ambiguities, errors and omissions in documentation;
- determine appropriate allocations of risk to give adequate protection to SPA while ensuring tenderers do not need to unnecessarily include contingencies in their pricing; and
- resolve any differences regarding technical and commercial conditions such that tenders are unqualified and fully conform to the RFT.

Summary of ECI Process

The prospective contractors shortlisted as a result of Stage 1 (Call for EoI) will be invited to participate in the ECI process. This process will have four main 'steps':



Step 1 – First Workshop	Following the announcement of the shortlist of prospective contractors, and issue of draft Contract documentation (including draft design information) and the draft Risk Allocation Register, a one-day workshop will be held (on site). The workshop will commence with a detailed briefing by the Project Team on the Project and discussion of the issued documents.
	ANSTO will provide information on the level of contamination and appropriate remediation procedures.
	<u>Note</u> : For this workshop and any subsequent face-to-face meetings between the Project Team and prospective contractors, those individuals nominated by each prospective contractor as their Contractor's <i>Authorised Person</i> and <i>Senior</i> <i>Executive</i> (as defined in the GC21 contract) will be required to be present. Failure to observe this requirement may lead to a prospective contractor not being allowed to proceed through to Stage 3 (RFT).
Step 2 – Consideration Period	The prospective contractors will be required to review the documentation issued at the end of Stage 1 to identify ambiguities or areas where clarification would be necessary, and to provide recommendations for changes to the documentation.
	<u>Note</u> . In principle, all feedback provided as a result of this Step 2 will be shared by the Project Team with all prospective contractors. However, if a prospective contractor considers that it has identified an alternative method for delivering all or some of the Project that offers benefits to the Principal and commercial advantage to that prospective contractor, a commercial-in-confidence approach can be made directly to the Project Team. Should the Project Team agree to consider that alternative method, then it will not be disclosed to other prospective contractors.
Step 3 – Review by Project Team	The Project Team will review all submissions received, and amend the contract documentation and Risk Allocation Register as deemed appropriate.



Step 4 – Selection of final contractors and finalisation of Contract	Following Step 3, the Project Team will decide which of the prospective contractors will be invited to participate in Stage 3 (RFT) and will advise accordingly.
documentation	Assessment in this selection process will be based on a prospective contractor's satisfactory compliance with the mandatory criteria detailed, and observed performance and demonstrated capacity during the ECI phase against the evaluative criteria detailed in Section 4.1. The Project Team will also finalise the suite of Contract documentation ready for issue with the RFT.

Notes:

The contract will be based on the NSW Governments Co-operative form of contract known as GC21. The GC21 General Conditions of Contract are available at:

http://www.construction.nsw.gov.au/GC21/index.html.

The contract is essentially a design and construct contract, with the contractor managing the preparation of the Remediation Action Plan (in consultation with SPA).

3.4 Stage 3 – Request for Tenders

General

For Stage 3 (and beyond), SPA will adhere to the principles of the NSW Government *Code of Practice for Procurement*, a copy of which may be found at:

http://www.treasury.nsw.gov.au/__data/assets/pdf_file/0015/1356/code_of_prac-curr.pdf

Stage 3 will <u>not</u> be a 'public' request for tenders, but will be open only to those entities invited to tender as a result of Stage 2 (ECI).

Structure of RFT

Stage 3 will commence with the entities short-listed from Stage 2 being invited to prepare and submit tenders in response to the RFT. The RFT will include:

- **technical information**, including detailed drawings and technical specifications, and other reports considered necessary (including, for example, geotechnical and survey data);
- commercial information, including the proposed contractual Terms and Conditions; and
- returnable schedules for entities to complete as part of their tenders.

Mandatory requirements

Notwithstanding the fact that an entity has been short-listed to participate in Stage 3, only head contractors who are accredited under the following Schemes:

the NSW Government OH&S Management System Guidelines June 2004;



Tender evaluation

Tenders will be evaluated, in accordance with the NSW Government Tendering Guidelines, by a Tender Evaluation Panel.

3.5 Stage 4 – Finalisation and Contract Award

Stage 4 will involve the finalisation and execution of the Construction Contract. An effective ECI process will have resolved many differences regarding technical and commercial conditions such that tenders are unqualified and fully conform to the Request for Tenders. However, if negotiation is necessary with the preferred entity or entities (or other party(ies) in the event that no tender is deemed to be acceptable, it will take place in this Stage.

After the Contract has been executed (or earlier, if agreed by the parties) the Construction Contractor will commence executing the works under the *Contract*.

3.6 Procurement Timetable

Table 1 below provides the indicative timetable for the process to procure the Construction Contractor. Interested parties should note that this timetable reflects the time necessary for evaluations of submissions (at both EoI and RFT stage) and, as appropriate, for the seeking of approvals to proceed to the next stage.

Procurement Process Stage	Target Dates
Stage 1 – Call for Expressions of Interest	
Issue Call for Eol documentation	This document
Closing time and date	9.30 am, 4 November 2009
Notification of short-listed entities and issue of draft contract documents	1 December 2009
Stage 2 – Early Contractor Involvement	
Step 1 ECI Workshop 1	19 January 2009
Step 2 Consideration by Contractors	submissions due early February 2010
Step 3 Review by Project Team	late February 2010
Step 4 Selection of Final Contractors list for tenders	Within one week of Step 3
Stage 3 – Request for Tenders	
Issue RFT	Early/Mid 2010
Closing date	Mid 2010
Stage 4 – Finalisation and Contract Award	
Negotiation (if necessary)	Mid 2010
Contract award	Mid 2010

Table 1 – Procurement timetable



4 Evaluation Criteria

4.1 Evaluation Criteria

Criterion 1 – Extensive Experience in large and complex remediation projects particularly in NSW

Nominate at least three recent contracts/projects that demonstrate extensive experience in large and complex remediation projects.

Submit the following information for each of the three contracts/projects:

- I. Project description including location, contamination, project value and project outcome; and
- II. Demonstrated management of environmental protection measures, including management, monitoring, corrective actions and reporting relating to storm water runoff, dust and odours.
- III. Demonstrated plan for tracking materials, including tracking of excavated materials onsite, during transport to and at the point of disposal
- IV. Demonstrated management of remediation in restricted and complex sites. Innovative solutions developed by the Respondent that resulted in demonstrable costs and/or time efficiencies".

Criterion 2 –Demonstrated safety capability and accredited system to NSW OH&S guidelines

Evidence of work plans incorporating safe management practices including WorkCover requirements

Evidence of effective development and implementation of OH&S plans and procedures Provide full details of the current Company status in regard to implementation of OHS Management

Advise of the status of any fines received by the Company in regard to OHS over the last two years.

NOTE: Refer to NSW Government Occupational Health & Safety

Nominate at least three contracts/projects completed within the last two years that demonstrate successful management of occupational health and safety by the Respondent

Criterion 3 – Experience in working in sensitive environments

Demonstrated ability to work in close proximity to sensitive locations including residential developments and sensitive waterways.

Demonstrated ability to adopt measures to minimise impacts on adjoining owners and sensitive sites.

Demonstrated ability to effectively liaise with local communities.

Nominate at least three contracts/projects completed within the last two years that demonstrate successful management of environmental management by the respondent.

Criterion 4 – Adequate financial capacity to manage projects over \$2 million

Demonstrated financial capacity, capability and experience in providing the necessary finance to cover capital and operating costs.

Matters that will be considered include:



financial status of the respondent;

any particular strategy or business structure or joint venture proposed by the respondent for undertaking and financing the proposal, and

ability to manage an extended time between engagement and actual work on site.

Criterion 5 – Experienced management team

Qualifications and experience of key management personnel Relevant recent direct project experience and roles of project personnel proposed for the Hunters Hill project

Criterion 6 – Evaluation of at least three referees' reports

Evaluation of at least three client referee reports (which may be NSW Government agency Contractor Performance Reports) commenting on the Respondent's performance in relation to occupational health and safety, and environmental management, identifying the referee's name position, organisation and telephone and email contact details. Independent assessment and contact by SPA of the referees.

Criterion 7 – Ability to Work with Consultants to Develop Remediation Action Plans (RAP)

Demonstrated ability to develop effective work methods and work with consultants to finalise RAPs acceptable to Government.

The evaluation of responses to this EoI will be in the context of the proposed remediation project at Nelson Parade, Hunters Hill.



4.2 Structure of Response to this Expressions of Interest

SPA is seeking responses from interested parties. Responses should include:

- Completed forms at 5.9 and 5.10 and
- Completed separate schedules for each of the above seven criteria outlining the Respondent's capabilities and supplying the information sought.

Subject to the response to this Eol addressing all Evaluated Criteria, they should be structured in any way that is deemed appropriate to assist the Eol Evaluation Panel in short-listing entities that will be invited to participate in Stage 2 (ECI), and which may then be invited to submit costed proposals for the Remediation Contract in Stage 3 (RFT).

Subject to the exclusions below, EoI responses are not to exceed 20 pages (all of which must be A4). In the event that a response to this EoI exceeds this limit, SPA reserves the right to consider the first 20 pages only.

The page limit excludes:

- a one-page cover letter (if considered necessary);
- a one-page table of contents (if considered necessary);
- CVs;
- copies of accreditation certificates;
- any claim that aspects of the submitted response to this Eol constitute the intellectual property of the entity; and

any disclosure of actual, potential, or perceived conflicts.



5 Conditions of EOI

5.1 Contact Officer

The Contact Officer for all matters relating to this Eol is:

Contact Officer	Mr Jeff Goodchild
Email	jeff.goodchild@spa.nsw.gov.au
Address	State Property Authority Level 5, Bligh House 4-6 Bligh St Sydney 2000 GPO Box 5341 Sydney NSW 2001 Phone 02 9338 7032

5.2 Entities to Become Fully Informed

Entities must make their own investigations and satisfy themselves in relation to all aspects of this EoI. SPA, its officers, representatives, consultants and contractors will not be liable for any incorrect or misleading information or failure to disclose any relevant or other information.

5.3 Extent of Information Supplied to Entities

This Eol represents the entirety of information that will be provided to entities by SPA. Entities should note that there will be **no industry briefing** for this Eol.

5.4 Site Visits

There will be **no site visits** as part of this Eol stage (but these will be arranged for Stage 2 – (ECI).

In addition, Respondents should note that land owners adjoining the site are not to be contacted <u>at all</u>, nor must any attempt be made to enter the site or private property in the area.

5.5 Questions and Requests for Information

Parties considering developing responses in response to this EoI, either by themselves or as part of an entity, may ask questions or seek further information by submitting, up to five business days **before the Closing Date of 4 November 2009**, the question or request for information to the Contact Officer.

Such correspondence may only be made via email.

Subject to the paragraph below, any substantive answer or information provided by SPA, together with the question or request, may be made available to all parties as an Addendum to the EoI.



If an entity considers that a question it wishes to ask, and/or the response thereto, to be commercially sensitive (and therefore does not want the question and answer broadcast), it must advise SPA accordingly at the time of asking the question. In the event SPA does not agree with the entity, the entity will be allowed to withdraw the question as if it had not been asked, or to proceed with the question in the full knowledge that it, and the response, may be made available to all other entities responding to this EoI.

5.6 Addenda

SPA reserves the right to issue addenda to this EoI. Any such addenda may become part of this EoI.

5.7 Lodgement of Expressions of Interest

Tenders must:

a) be submitted to the Tender Box at NSW Department fo Commerce Level 3 (West), McKell Building,
2-24 Rawson Place,
Sydney 2000 with RFT No. 0902204 EOI clearly marked; or

 ${f b})$ if lodging the physical tender by post or courier, the sealed envelope shall be enclosed in an outer envelope addressed to:

Hunters Hill Remediation Contractor RFT ID No.: 0902204 EOI C/- Tender Box NSW Department of Commerce L3 West McKell Building 2-24 Rawson Place Sydney 2000; or

c) if lodging electronically go to RFT ID. 0902204 EOI at the following web site <code>https://tenders.nsw.gov.au</code>

Tenders will NOT be submitted by facsimile or email

THE CLOSING DATE IS 9.30 AM ON 4 NOVEMBER 2009

Format of hard-copy submissions

Entities lodging a hard-copy EoI must submit the following by the Closing Time and Date:

- four complete copies of the submission, including Returnable Schedules 1 and 2 inclusive, of which:
 - o three are bound copies; and
 - one copy is 'unbound' (ie, in a loose-leaf folder so pages can be easily removed and scanned – not in plastic sleeves). It must be marked 'Original' (which shall prevail in the event of any discrepancies between copies).
- a CD or DVD containing an electronic version of the submission (in Microsoft Word, except that attachments may be in pdf format).



5.8 Contact with Contact Officer Only

Contact with any person other than the Contact Officer including other officers of SPA, officers of other Government organisations or elected members of Government and their staff in relation to this project is not approved. Any contact of this type by a respondent or their consultants/advisors may lead to rejection of the respondent's response with this decision being solely at the discretion of SPA.



5.9 Authorisation of Response to Expression of Interest RFT ID – 0902204 EOI

Schedule 1

I/We (Company name)	
(ABN)	(ACN)
of (address)	

hereby submit the attached documents and information in response to **EXPRESSION OF INTEREST** for consideration by the Government for the Remediation of Former Radium Hill Company Site, Nelson Parade, Hunters Hill:

Confidentiality

The respondent agrees to keep the details of this response confidential at all times unless authorised by SPA and agrees to be bound by the terms and conditions outlined in this EoI.

Signature	e of authorised person:
Name:	
Position:	
Signature	e of witness:
Name:	
Position:	
Date:	



5.10 Respondent's Contact Details

Schedule 2

The Respondent is to provide the following details (please print):

A) FOR GENERAL AND CAPABILITY DETAILS:

Name of Respondent's Representative:		
Address for Service of Notices:		
Phone Number:		
Facsimile Number:		
Mobile Phone Number:		
Email Address:		

B) FOR FINANCIAL AND COMMERCIAL DETAILS (CFO or a position above or Equivalent):

Name of Respondent's Representative:	
Address for Service of Notices:	
Phone Number:	
Facsimile Number:	
Mobile Phone Number:	
Email Address:	