

HealthShare NSW, a business unit of NSW Health, invites this RFQ for and on behalf of : South Western Sydney Local Health District

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## **PART A – Conditions of Tendering**

### **Request for Quotations**

**SWD 01/2023**

**Liverpool Hospital Central Energy High Voltage  
Switchboards upgrade**

**Within NSW Government Prequalification Scheme  
(SCM1461) General Construction Works**

**RFQ Issue Date: 2 May 2023**

**RFQ Close Date and Time: 2:00pm 26 May 2023**

**RFQ Contact Person: Ronald Fulwood**  
**Tel: (02) 8738 9481 Mob: 0425 345 109**  
**Email: [Ronald.Fulwood@health.nsw.gov.au](mailto:Ronald.Fulwood@health.nsw.gov.au)**

**\* A MANDATORY Site Visit is required to be completed prior to RFQ issue. Refer to 5.2 Site Visit under Section 5. Further Information**

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# Conditions of Tendering

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# Conditions of Tendering

This section includes notices to tenderers.

The Conditions of Tendering section does not form part of the Contract.

## 1 General

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### 1.1 Contact Person

Refer requests for information about the Tender to:

Name:	Ronald Fulwood
Telephone number:	(02) 8738 9481 Mob: 0425 345 109
e-mail address:	Ronald.Fulwood@health.nsw.gov.au

## 2 Tenderer Eligibility

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### 2.1 Acceptable Legal Entities

The Principal contracts only with recognised and acceptable legal entities. The Principal does not contract with firms under any form of external administration. Any tender submitted by an unincorporated business such as a sole trader, partnership, or business name must identify the legal entity that proposes to enter the contract.

The Principal will not award this Contract to a Tenderer that is a trustee if the Tenderer cannot demonstrate that it will be able to meet all of the requirements of the contract, including the financial assessment requirements, for the entire contract period.

### 2.2 Quality management

The Principal may elect to pass over a Tender from a Tenderer that does not have current full certification of its Quality Management System to AS/NZS ISO 9001:2016.

Submit the information identified in Tender Schedules - **Schedule of Quality Management Information**.

### 2.3 Work health and safety management

Tenderers must demonstrate their capacity to manage work, health and safety (WHS) in accordance with the *NSW Work Health & Safety management guidelines (for Construction Procurement) (Edition 6) (WHSM Guidelines)*. These *Guidelines* are available on the buy.nsw website at: <https://buy.nsw.gov.au/categories/construction>

Submit with the Tender the information identified in Tender Schedules - **Schedule of Work Health and Safety Management Information**.

A Tender will not be accepted from a Tenderer that does not have a Corporate WHS Management System acceptable to the Principal in accordance with the *WHSM Guidelines*.

The successful Tenderer must be accredited under the Australian Government WHS Accreditation Scheme (the Scheme) established by the *Building and Construction Industry (Improving Productivity) Act 2016* (Cth) (BCIIP Act) when entering into contracts for building work as defined under section 6 of the BCIIP Act and maintain accreditation under that Scheme while the building work is being carried out.

### 2.4 Environmental management

Tenderers must demonstrate their capacity to manage environmental matters in accordance with the *NSW Government Environmental management guidelines (Construction Procurement) (Edition 4) (EM Guidelines)* available on the Buy.nsw website at:

<https://buy.nsw.gov.au/categories/construction>

Submit with the Tender the information identified in Tender Schedules - **Schedule of Environmental Management Information**.

A Tender will not be accepted from a Tenderer that does not have a Corporate Environmental Management System acceptable to the Principal in accordance with the *EM Guidelines*.

## 2.5 Financial assessment

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 (Scheme SCM2491) is available on the buy.nsw website at:

<https://buy.nsw.gov.au/schemes/financial-assessment-services-scheme>

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. The Principal may, at its discretion, also consider other actions where defects in the financial assessment may be able to be rectified.

Submit, when requested by the Financial Assessor or Principal, the Financial Assessment information shown in Tender Schedules - **Schedule of Financial Assessment Information**.

## 2.6 Best Practice Contractor Accreditation Scheme

The NSW Government has implemented a Contractor Prequalification and Best Practice Accreditation Scheme. Tenderers accredited under the Scheme receive Scheme benefits. The benefits include a reduction in the amount of the contractual security required by the Principal, as shown for the Completion Undertaking in **Contract Information item 33**.

# 3 Contract details

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## 3.1 Site

The Principal may provide geotechnical or other information concerning the Site. Refer to General Conditions of Contract clause 36 - **Site Information**.

## 3.2 General Conditions of Contract

The Request for Tender (RFT) documents include a copy of the GC21 Edition 2 General Conditions of Contract.

## 3.3 Provisional Sums

The Contract includes work subject to payment as a Provisional Sum. See General Conditions of Contract clause 55 - **The Contract Price** (Provisional Sums) and the list of Provisional Sums in Tender Schedules.

## 3.4 Cost adjustment

The work is not subject to Cost Adjustment for labour and materials.

### 3.5 Insurance

The Contractor must arrange insurance of the Works (and any temporary works) and public liability insurance and pay all premiums in accordance with General Conditions of Contract clause 27 - **Insurance**.

#### **Asbestos liability insurance**

The Contractor must arrange any asbestos related insurance required by law. Any other asbestos related insurance is at the discretion of the Contractor. The Contractor will not be entitled to any additional payments for asbestos related insurance. The Principal does not require the Contractor to hold any particular Asbestos Liability Insurance under General Conditions of Contract clause 27 – **Insurance**.

#### **Other Insurance**

Unless otherwise advised by the Principal, the Contractor must arrange and pay all premiums for all other insurance required under General Conditions of Contract clause 27 – **Insurance**.

For professional indemnity insurance, a Certificate of Currency or evidence of the ability to obtain the required insurance, such as a letter from a broker or insurer, may be required as a condition of acceptance of tender.

### 3.6 Proposed Subcontractors and Consultants

For any individual Subcontract or consultancy agreement valued at more than \$100,000 or 2% of the Contract Price, whichever is the greater, complete Tender Schedules - **Schedule of Proposed Subcontractors and Consultants**, providing the names of the Subcontractors and Consultants and descriptions of the type of work they will be carrying out. Include confirmation that the recent WHS, environmental and workplace relations management performance of the proposed Subcontractors and Consultants has been reviewed by the Tenderer and found to be satisfactory. Submit the Schedule when requested.

This information will be taken into account in assessing the tenders. Identification of Subcontractors and Consultants before the award of the Contract will be taken as an indication of the team approach to be used by the Contractor and a demonstration that the Contractor will not trade off different subcontractors' prices to obtain a lower price (a practice that is unacceptable under the NSW Government Supplier Code of Conduct) .

## 4 Current policies

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### 4.1 Adjustment for customs tariffs

Not Used.

### 4.2 Disclosure of Tender and Contract information

Details of this tender process and any contract awarded as a result of the tender process may be disclosed in accordance with the *Government Information (Public Access) Act 2009* (NSW).

### 4.3 Exchange of information by the Principal

By submitting a Tender, the Tenderer authorises the Principal to gather, monitor, assess, and communicate to other State and Commonwealth Government agencies or local government authority's information about the Tenderer's financial position and its performance in respect of any contract awarded as a result of the tender process. Such information may be used by those agencies or authorities in considering whether to offer the Tenderer future opportunities for work.

### 4.4 Security of documents

All RFT documents marked as "restricted" are classified maximum security documents. No copies are to be made by tenderers, their agents or anyone else other than for tendering purposes. All such documents and copies are to be returned to the Principal on completion of the tendering process.

### 4.5 NSW Government Policies, Codes and Guidelines

The Tenderer's attention is directed to:

- The NSW Government Procurement Policy Framework (Procurement Framework);

- the NSW Government Supplier Code of Conduct (the ‘Code’); and
- the NSW Industrial Relations Guidelines: Building and Construction Procurement (NSW Guidelines). The Code and the NSW Guidelines apply to the Contract.

Refer to General Conditions of Contract clause 13 - **Procurement Policy Framework, Supplier Code and Industrial Relations Guidelines** for further information.

The NSW Government Procurement Policy Framework is available at:

<https://buy.nsw.gov.au/policy-library/policies/procurement-policy-framework>

The Supplier Code of Conduct is available at:

<https://buy.nsw.gov.au/policy-library/policies/supplier-code-of-conduct>

The NSW Industrial Relations Guidelines are available at:

<https://www.industrialrelations.nsw.gov.au/industries/key-industries-in-nsw/building-and-construction/>

Tenderers have obligations under the Procurement Framework. Tenderers must demonstrate that they understand and will comply with the Code and the NSW Guidelines.

Submit with the Tender the completed Tender Schedules - **Schedule of Compliance with NSW Supplier Code and Industrial Relations Guidelines: Building and Construction Procurement**.

A Tender will not be accepted from a Tenderer that does not provide the completed Schedule which comprises a declaration by the Contractor.

#### **Dealing with Modern Slavery**

Tenderers must demonstrate that they understand Modern Slavery and will implement processes and procedures to identify and manage the risks of Modern Slavery.

Submit with the Tender the completed Tender Schedules - **Schedule of Compliance for dealing with Modern Slavery**.

A Tender will not be accepted from a Tenderer that does not provide the completed Schedule which includes a declaration by the Contractor.

#### **4.6 Unconditional undertakings - approved institutions**

For the purpose of giving unconditional undertakings, banks, building societies, credit unions and insurance companies listed by the Australian Prudential Regulation Authority (APRA) as being regulated by the APRA are acceptable. Lists appear at the APRA website at:

<https://www.apra.gov.au/list-of-registered-financial-corporations>

The Principal is prepared to consider proposals from Tenderers for the approval of Unconditional Undertakings by substantial financial institutions, not registered by APRA, which lawfully carry on business in Australia. The Principal may require the submission of evidence demonstrating the substance and status of any proposed financial institution without cost to the Principal.

#### **4.7 Commonwealth Building Code 2016 (as amended)**

The Tenderer’s attention is drawn to the Code for the Tendering and Performance of Building Work 2016 (Building Code) and the Code for the Tendering and Performance of Building Work Amendment Instrument 2022 (Amended Code). Links to the Codes and relevant information are shown the Schedule referenced below.

The Building Code and the Amended Code apply to Commonwealth Funded Building Work under this Contract.

Submit, when requested, the completed Schedule and the information required by Tender Schedules - **Schedule of Compliance with the Code for the Tendering and Performance of Building Work 2016 (as amended)**.

#### **4.8 Aboriginal participation**

The Tenderer’s attention is drawn to the requirements of the NSW Government *Aboriginal Procurement Policy (APP)*. The policy document is available from buy.nsw website at

<https://buy.nsw.gov.au/policy-library/policies/aboriginal-procurement-policy>

Refer to General Conditions of Contract, Contract Information item 15F and Preliminaries clause – **Aboriginal Participation** for Contract-specific requirements.

The Principal will consider the demonstrated capacity of tenderers to meet obligations under the Policy and the extent to which the Tenderer's proposed Participation Plan will meet the minimum Aboriginal participation requirements when evaluating the tenders.

Submit the completed Schedule and the information required by Tender Schedules - **Schedule of Aboriginal Participation Information**.

#### **4.9 Skills, training and diversity in construction**

The Tenderer's attention is drawn to the requirements of the NSW Government Construction Guidelines: *Skills and Training*. Refer to: <https://buy.nsw.gov.au/categories/construction>.

Tenderers must make commitments under the Infrastructure Skills Legacy Program that meet or exceed the specified targets for the engagement of apprentices and trainees and must demonstrate their capacity to meet those commitments.

## **5 Further information**

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### **5.1 Addenda to RFT Documents**

If, as a result of a request for clarification from a Tenderer or for any other reason, the Principal issues an instruction amending the Request for Tender (RFT) documents, the instruction will be issued in writing to all tenderers in the form of an Addendum, which becomes part of the RFT documents. Written Addenda issued by the Principal are the only recognised explanations of, or amendments to, the RFT documents.

### **5.2 Site Visit**

A mandatory site visit will be scheduled by appointment with the Principal and tenderer. All site visit attendees shall comply with the hospital screening, protocol and wellbeing checks upon arrival to the site (if required).

The representative of the Principal will be available at that time to answer any tenderer's queries regarding the tender.

Tenderers shall contact the RFQ contact person (refer to 1.1) to schedule a site visit.

No Site Visits will be conducted within the seven (7) days before the tender close date

## **6 Preparation of Tenders**

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### **6.1 Alternative Tenders**

The Principal may consider alternative tenders, provided the alternative tender meets the scope, functional intent and design concept expressed in the tender document. Where an alternative tender is proposed, submit a detailed description of the alternative stating clearly the manner in which it differs from the detailed requirements of the RFT documents and including separate tender schedules applicable to the alternative.

Alternative tenders will not be considered unless the Tenderer has submitted a conforming tender.

Alternatives will not be considered for the following aspects of the work:

The Principal will consider additional tenders which offer a price not subject to cost adjustment.

### **6.2 Qualifications and Departures**

Qualifications and departures include any condition, offer or proposal of any nature appearing on any documents submitted with or within the Tender which constitute any variation of, omission from or addition to this RFT.

Where the Tenderer considers a qualification or departure to its Tender is necessary, it may discuss its concern with the nominated contact person and/ or utilise the option, if available, to submit an alternative tender.

Refer to Conditions of Tendering - **Evaluation of Tenders** for information on the evaluation of qualifications and departures.

Submit with the tender the information shown in Tender Schedules - **Schedule of Qualifications and Departures Information**.

### **6.3 Information for “Payment Claim Worksheet”**

Submit when requested the details shown in Tender Schedules - **Schedule of Information for General Conditions of Contract - Schedule 3 (Payment Claim Worksheet)**.

### **6.4 Contract Information**

Submit when requested the details shown in Tender Schedules - **Schedule of Contract Information**.

### **6.5 Technical data**

Submit the details requested within Part B Specification and Response Schedules.

### **6.6 Program**

Submit the details requested within Part B Specification and Response Schedules.

## **7 Submission of Tenders**

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### **7.1 Documents to be submitted**

The following documents must be completed and submitted by the Tenderer:

- Part B Specification and Responses
- Any other supplier material to support the information provide with Part B

Do not change the text on the Tender Form or Tender Schedules, other than to insert the required information.

Acknowledge on the Tender Form, by listing the applicable Addendum numbers, that the Tender allows for all Addenda issued.

### **7.2 Submission procedure**

Submit the Tender Form, Tender Schedules marked ‘Submit with Tender Form’ and other required documents or information by the date and time given in the advertisement or invitation.

If more than one tender submission is made, mark each submission clearly as to whether it is a copy, an alternative tender, or whether the submission supersedes another submission.

Submit when requested, by the date, time and method stipulated in the request, Tender Schedules marked ‘Submit when requested’ and any other information requested by the Principal to allow further consideration of the Tender.

Failure to meet these requirements may result in the Tender being passed over.

Any tender that is not received in full at close of tenders may be passed over.

### **7.3 eTendering**

Unless alternative arrangements have been agreed in writing before tenders are due to close, tenders must be lodged through the NSW Government eTendering website at: <https://tenders.nsw.gov.au>.

Login as an *eTendering* system user, locate the RFT web page and follow on-screen instructions. Access is generally available 24 hours a day, 7 days per week.

#### **Legal status**

Tenders 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 tenders submitted by other means.

Lodgement of a tender electronically is evidence of a Tenderer’s acceptance of any conditions shown on the eTendering website.

The Principal may decline to consider for acceptance, tenders that cannot be effectively evaluated because they are incomplete or corrupt.



### **Electronic Format for Submissions**

Tenders submitted electronically must be in a file format that can be read, formatted, displayed and printed by Microsoft Word 2007, or any format required by the RFT.

Any CAD files submitted with an electronically lodged tender must be in DGN, DWG, or DXF format. The Principal uses Microstation and Tenderers must ensure that any CAD files submitted that will correctly display and print in Microstation.

### **File Compression**

Tenderers may compress electronic tenders in any format that can be decompressed by WinZip. Tenderers must not submit self-extracting (\*.exe) zip files.

## **7.4 Late Tenders**

In accordance with the NSW Government *Supplier Code of Conduct*, late tenders will not be accepted, except where the integrity and competitiveness of the tendering process will not be compromised. The *Supplier Code of Conduct* is available on the buy.nsw website at <https://buy.nsw.gov.au/policy-library/policies/supplier-code-of-conduct>.

## **8 Procedures after closing of Tenders**

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### **8.1 Evaluation of Tenders**

In evaluating tenders, the Principal may take into consideration factors including, but not limited to: whole of life costs; ability to meet requirements of the NSW Government *Supplier Code of Conduct*, *Aboriginal Participation Policy* and other referenced policies; innovation; delivery time; quality offered; previous performance; experience; capability; work health and safety performance; workplace and industrial relations performance; environmental management performance; quality management capability; community relations; value adding including economic, social and environmental initiatives; and conformity.

Tenders will be assessed using a weighted scoring process based on information provided with the Tender. The non-price criteria will be:

The non-price criteria (in priority order with most important listed first) will be:

- Equipment availability, Quality, Compatibility and on-going support
- Vendor's capacity and proposed methodology schedule (programmed deliverables)
- Compliance with the contractual and technical conditions of tender
- WH&S compliance

The Principal may elect to pass over a Tender from a Tenderer with an assessed score on any of the above non-price criteria that is below a threshold acceptable to the Principal.

The Principal may assess the value of any qualification in any Tender, without reference to the Tenderer, and compare tenders on the basis of the Principal's assessed valuation.

The Principal may treat any detail required by the RFT documents which is omitted, illegible or unintelligible as failing to fulfil the relevant requirement.

### **8.2 Acceptance of Tender**

The Principal may accept tenders that do not conform strictly with all requirements of the RFT documents.

The Principal is not bound to accept the lowest or any tender. Tenders which do not comply with any requirement of, or which contain conditions or qualifications not required or allowed by, the tender document may be passed over.

No Tender, or qualification or departure from a contract condition or specification, is accepted unless the Principal gives an acceptance or formal agreement in writing.

### **8.3 Protection of privacy**

The Tenderer warrants, in respect of any personal information provided in this Tender or any contract arising from this Tender, that the information 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 tenders and administering any contracts arising from those tenders and may be made available to other NSW government agencies or local government authorities for those purposes;
- whether the supply of the information by the individual is required by law or is voluntary, and any consequences for the individual if the information (or any part of it) is not provided; and
- of the existence of any right of access to, and correction of, the information.

**END OF DOCUMENT**