
Request for Tenders

Term Services Contract for the Operation and Routine Servicing of the Berowra and Mortlake Ferry Crossings



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RTA Term Services Contract ~ Ferry Operation

Request for Tenders

1. Notice to Tenderers

1.1 Description of tender

The Roads and Traffic Authority of New South Wales (RTA) seeks tenders for the Contracted Work described in the Tender Documents.

1.2 NSW Government Code of Practice for Procurement

You should be aware that the NSW Government has issued a Code of Practice for Procurement. You should ensure that you have a copy of the latest version (2005) which can be obtained from the NSW Treasury's website

http://www.treasury.nsw.gov.au/procurement/pdf/code_of_prac-curr.pdf .

1.3 Other details

Defined Terms & "Reserved"

Some words or combinations of words, (eg FERRY CROSSING, FERRY DRIVER) have special meanings in the contract documents (including the specifications). These meanings appear at Clause 36 of the Terms for Contracted Work. You must make yourself aware of these meanings.

These documents are based on standard RTA documents and retain their clause numbering. When you see "Reserved" or "Not Used" as a numbered heading it indicates a clause from the standard document has been struck out but that heading number is reserved.

Description of Work

The operation and routine servicing of the Berowra and Mortlake vehicular cable-drawn ferries as set out in the contract documents including all the specifications.

Location of Work

The FERRY CROSSINGS at Berowra and Mortlake.

Contract Documents

The following two (2) volumes of documents and Addenda issued or requested by the RTA during the tender period will form the contract:

Volume 1:

- Terms for Contracted Work
- Contract Schedule
- Tender Form
- Your responses to Annexures CT3A and CT3B of this *Request for Tenders*.
- Schedule of Rates

- The Traffic Control Plan prepared by the RTA for the FERRY CROSSINGS.
- Form of Agreement – Term Services Contract

Volume 2:

- RTA Specifications:
 - G1 Specific Requirements for Berowra and Mortlake Ferries
 - M496 Berowra and Mortlake Ferries Operation
 - Q6-F Quality Management System (Type 6 – Ferry)
 - G10 Control of Traffic – Ferry
 - G24-F Occupational Health and Safety – Ferry Operation
 - G34-F Operational Environmental Management Plan (Ferry)

Information documents:

To assist Contractors, the RTA will accompany the contract documents with:

- many of the forms required to operate a ferry service and
- a sample Operations Manual

Obtaining Tender Documents:

Tender documents are available on CD for \$55.00 via the website

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

Pre-tender meeting

A pre-tender meeting will be held at:

The Blaxland Accommodation and Conference Complex
 250 Blaxland Rd, Ryde, NSW 2112
 10 am Tuesday 26 June 2007

You must attend this to be eligible to tender.

Tenderers to Acquire Information:

Prior to submitting a Tender, the Tenderer shall be deemed to have:

- Examined all written information made available by the Principal to the Tenderer for the purpose of tendering.
- Examined all information relevant to the risks, contingencies and other circumstances having an effect on the Tender and by the making of reasonable enquiries.
- Inspected the site and its work surrounds.

Costs of Tender Preparation

Tenderers shall bear all costs that they incur in the Tender process and in any subsequent contract negotiation phase.

Enquiries

Peter Howard, Project Manager,

Fax : 02 9598 7881

e mail: Peter_Howard@rta.nsw.gov.au.

Close-off of Questions

Questions received within 7 working days of the tender lodgement date will not be dealt with until after the close of tenders. Any major issues will be discussed with the successful Tenderer.

Tender Lodgement Requirements

Tenders must be lodged by:

2:30 pm on Tuesday 17 July 2007

at

RTA's Bridge Services Tender Box

Reception

422 West Botany Street

Rockdale, NSW 2216

and addressed:

Berowra and Mortlake Ferries Tender

Roads and Traffic Authority, NSW

1.4 GST information

Information and requirements relating to the GST are set out in clause 7.2.

Please note in particular that special requirements apply to tenderers who are not registered for GST or who wish to enter into a Voluntary Agreement for withholding Pay As You Go taxation (refer clauses 7.2 and 8.4).

1.5 RTA statement of business ethics

You must comply with the RTA Statement of Business Ethics. Copies of the statement are available from the RTA's website.

http://www.rta.nsw.gov.au/doingbusinesswithus/downloads/rta_businessethics_dl1.html

2. Summary of requirements for tender

2.1 Eligibility to tender

To be eligible to tender, you must:

- .1 Develop and submit the plans, systems and measures set down in clause 3.1.
- .2 Have attended the Site Inspection and attend the Pre-Tender Meeting relating to this Tender as set down in clause 3.2.

2.2 Lodging a conforming tender

To lodge a conforming tender, you must do all the things set out in the Conforming Tender Checklist attached to this document (please note tenders submitted by facsimile to the RTA will not be considered).

2.3 Lodging an alternative tender

If you wish to lodge an alternative tender, you must also lodge a conforming tender and provide the details set out in clause 5.

2.4 Post-tender supporting information

To ensure that your tender remains conforming, you must provide supporting information as set down in clause 6.

3. Eligibility to tender

3.1 Plans, Systems and Measures

You must develop and submit

- outlines (including all main headings) of the plans, systems and measures as set down at CT3A sections 7 to 14 , 15.2 and 16.
- a fully detailed Crew Fatigue Management Plan meeting the requirements of clause 15.1 to which you will adhere throughout the contract and which cannot be varied without the RTA Representative's prior, written approval.

3.2 Pre-tender meeting

You or your representative must:

- have attended a site inspection and
- attend the pre-tender meeting

held by the RTA in relation to the Tender.

4. Lodging a conforming tender

4.1 Tender Form

The Tender Form must be properly completed and signed and initialled by you or by someone on your behalf as a binding legal document.

4.2 Schedule of Rates

The Schedule of Rates must be completed with all items listed being priced and with no new items added.

4.3 Reserved

4.4 Reserved .

4.5 Statutory declaration

The statutory declaration must be:

- .1 in the form set out in Annexure CT2, and
- .2 made by you or by a person who is in a position to know the facts attested to in the statutory declaration, and
- .3 signed by the declarant in the presence of a Justice of the Peace or a solicitor of the Supreme Court of New South Wales or another person authorised to administer an oath under the Oaths Act 1900 (NSW).

4.6 Tender Supporting Information;

You must submit with your Tender, the information listed in Annexure CT3A.

If requested by the RTA, you must submit within 10 working days the information listed in Annexure CT3B.

5. Lodging an alternative tender

5.1 You must also lodge conforming tender

You may lodge an alternative tender as long as you also lodge a conforming Tender.

A separate tender form must be submitted for each alternative tender with accompanying Pricing Schedule(s).

5.2 Details required for alternative tender

If you submit an alternative tender, you must:

- .1 show how it differs from the Tender Documents, and

- .2 show that the alternative tender satisfies the performance criteria on which the Tender Documents rely, and
- .3 detail and quantify the advantages which the alternative tender offers to the RTA, and
- .4 identify the effects of the alternative tender on the tender price,

5.3 Consideration of alternative tender

The RTA may consider your alternative tender even though your conforming Tender is not the lowest in price.

5.4 Conditions applicable to alternative tenders

The RTA may impose conditions on the acceptance of an alternative tender in addition to the conditions set out in the Tender Documents. This does not limit the RTA's right to accept any tender conditionally.

6. Post-tender supporting information

You must submit:

- the supporting information set down in Annexure CT3B within 10 working days of a request by the RTA except if notified otherwise and
- any other supporting information within 3 working days of a request by the RTA except if notified otherwise.

7. Tender pricing considerations

7.1 Reserved

7.2 Goods and services tax

Your individual tendered rates and prices must exclude Goods and Services Tax (GST) but a separate item for GST is to be included, if it is payable. Any GST Free or Input Taxed Supplies to be made under the Contract must be clearly and separately identified.

If you state your ABN in your tender, the RTA will treat you as being registered for GST, unless you advise otherwise. If you will not be registered for GST when the Contract is entered into, you must say so in your tender.

If you wish to enter into a Voluntary Agreement for withholding Pay as You Go taxation ('Voluntary Agreement'), you must say so in your tender and provide the information required for the approved form of a Voluntary Agreement as required by the A New Tax System (Pay As You Go) Act 1999.

8 Assessment of tenders

8.1 Late tenders

The RTA will not consider your tender if it is late unless you establish to the RTA's satisfaction that:

- .1 the cause of the lateness was beyond your control, and
- .2 consideration of the late tender could not possibly compromise the integrity of the tendering process.

8.2 Reserved

8.3. Reserved

8.4 Application of GST adjustment for non-GST taxpayers

If you are not registered for GST or you wish to enter into a Voluntary Agreement, your tender price will be increased by 10% for the purposes of tender assessment.

8.5. Best value for money assessment

Tenders will be assessed on the basis of best value for money. This includes consideration of the following criteria:

- .1 The tender price and the integrity of its structure (after application of applicable Government Purchasing Policies).
- .2 Individual rates and prices and the integrity of their structure.
- .3 Your current financial position, viability, systems and commitments on other contracts.
- .4 The outlines of your plans, systems and measures as set down in CT3A sections 7 to 16.
- .5 The information set down in CT3B if it was requested by the RTA.
- .6 Your experience and performance in the carrying out of Quality Assurance contracts which included OH&S, Environmental and Industrial Relations Management and Customer Service delivery.
- .7 Your experience in running ferry operations.
- .8 Suitability, availability and accessibility of proposed personnel,
- .9 Claims history.

- .10 Record of compliance or otherwise with NSW Government Codes of Tendering and Practice.
- .11 Records of performance, claims and compliance with Codes provided by other NSW Government agencies or departments.
- .12 The cost to the RTA of administering and managing contracts the tenderer has had, and / or has, with the RTA.
- .13 Your responses to any Addenda, issued by the RTA during the Tender Period, which require responses.

9 General

9.1 Tender validity period

Tenders are valid for 60 days after the closing date for Tenders.

9.2 Acceptance of tender

The RTA is not bound to accept the lowest or any tender.

A Tender is accepted only when notice in writing of acceptance is issued to you by the RTA.

9.3 Information provided for convenience only

Information provided by the RTA which does not form part of the Tender Documents is provided only for the convenience of Tenderers. That information will not form part of a contract awarded as a result of this tender process.

9.4 Information not exhaustive

Information provided by the RTA which does not form part of the Tender Documents and which describes the site or conditions which may be encountered during the course of carrying out the Contracted Work is not to be taken as an exhaustive statement of conditions which may be encountered during the course of carrying out the Contracted Work.

9.5 Reserved

9.6 Subcontractors

You may subcontract some of the Contracted Work but only with the RTA's prior written approval, and on terms approved by the RTA. Approval to subcontract does not relieve you of any liabilities or obligations under the Contract. You may not subcontract the whole of the Contract or any of the ferry vessel operation services.

Annexure CT1

Notice to Tenderers about purchasing policies

CT1.1 Policies don't apply to federally funded works

The policies described in this Annexure do not apply to federally funded works.

CT1.2 NSW Government Purchasing Policy

The general intention of the NSW Government Purchasing Policies is to promote employment and industry development in Australia and New Zealand. The Government gives direct effect to these policies by ensuring that Australian and New Zealand suppliers receive preference in Government contracts to the extent set out in the Conditions of Tender.

CT1.3 Requirements on the RTA

The RTA has been directed by the Government to:

- .1 adopt the Government Purchasing Policies in all relevant contracts, and
- .2 ensure that its agents, consultants and others acting on its behalf adhere to the Government Purchasing Policies when relevant, and
- .3 ensure that specifications and other tender documents are drafted so as to favour locally sourced goods and services.

CT1.4 Tenderers invited to lodge concerns

An Australian or New Zealand supplier who feels that it has been excluded from tendering or penalised by anything in the Tender Documents is invited to write in confidence to:

The Director-General
State and Regional Development
PO Box R1464
Royal Exchange NSW 2000
Fax No: (02) 9228 3626

CT1.5 Assistance in locating Australian suppliers

Tenderers may contact the New South Wales Industrial Supplies Office for free of charge professional assistance in locating potential sources of supply for Australian manufactured products (and services) or those having the highest Australian manufactured content.

Contact : Executive Director NSW ISO
Telephone : (02) 9819 7200
Facsimile : (02) 9813 312

CT1.6 Reserved

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Annexure CT2

Statutory declaration

I [insert name] of
..... [insert address] do
solemnly and sincerely declare and affirm, in respect of the tender for the Operation and
Routine Servicing of the Berowra and Mortlake FERRY CROSSINGS ('Tender') or any contract
arising from the Tender, that:

1. I hold the position of and am duly authorised by
..... ('Tenderer') to make this declaration on its behalf.
2. * To the best of my knowledge, neither the Tenderer nor any of its employees or agents have
entered into a contract, arrangement or understanding to pay moneys to a trade association,
apart from the normal amount (annual subscription, turnover or contract fee) imposed by that
trade association.

* The Tenderer has agreed to pay a special fee to a trade association of
\$..... if it is successful in the Tender.
3. To the best of my knowledge, neither the Tenderer nor any of its employees or agents had
knowledge of the price of another tenderer prior to submitting the Tender.
4. To the best of my knowledge, neither the Tenderer nor any of its employees or agents has
disclosed the Tenderer's tender price to a rival tenderer.
5. The Tenderer submitted the Tender in good faith and has not deliberately set its tender price
above the level of rival tenderers.
6. As at the date of this declaration, the Tenderer intends to do the work the subject of the
Tender.
7. To the best of my knowledge, neither the Tenderer nor any of its employees or agents has
entered into a contract, arrangement or understanding having the result that the Tenderer or
another person will pay money to an unsuccessful tenderer if the Tenderer is successful in
the Tender (other than for work or services done or materials supplied under a bona fide
contract).
8. The Tenderer has allowed in its Tender for all workers who may be at any time employed on
the work under the Contract to be paid, and promises to pay to all such workers in the event
that the Tender is accepted, no less than the wages, allowances and other money payable to
them pursuant to all relevant legislation, awards, determinations, judgments and agreements
in respect of their employment on the work under the Contract.

And I make this solemn declaration conscientiously believing the same to be true and by virtue
of the provisions of the Oaths Act, 1900.

Subscribed and declared at [city or town] on [date]

before me:

Justice of the Peace/Solicitor

Declarant

**Delete whichever is inapplicable*

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Annexure CT3A

Other information to be submitted

You must submit the following with your tender.

1. Referees

The names, addresses and telephone numbers of at least 2 referees. The RTA may contact the referees and make any enquiries in relation to the Tenderer.

2. Business Experience

Details of your business experience. Include for each business:

- type and size of business;
- its relevance or similarities to the operation of a ferry service;
- length of time you spent in industry and positions held;
- number of employees reporting to you;
- your experience in managing industrial relations
- your experience in managing OH&S
- your experience in environmental management
- your experience in managing the delivery by your staff of good customer relations
- your experience and performance in the carrying out of Quality Assurance contracts
- your experience in Quality Management Systems which included OH&S, Environmental Management, Industrial Relations and Customer Service delivery.
- Names and addresses and telephone numbers of:
 - previous employers,
 - partners or business associates.

The RTA may contact these and make any enquiries regarding you and your experience.

3. Ferry Experience

Details of your ferry experience. Include:

- size of business;
- length of time you spent in industry and positions held
- number of employees reporting to you;

4. Financial Viability and Record:

(a) A statement from a reputable financial institution setting out the following details relating to the Tenderer:

- Overdraft facilities including current balance and total facility.
- Bank guarantee facilities including current balance and total facility

- Other funding facilities available to the Tenderer including current balance and total facility

(b) Copies of the Tenderer's audited Financial Statements (including notes) for the preceding 2 financial years or, if your accounts are not audited, copies of the Tenderer's tax returns for the preceding two financial years.

(c) Has any company you have owned been placed in receivership during your ownership? Please give details of each including duration and outcome of receivership.

5. Accounting Organisation and System

A description how you intend managing the financial aspects of the Contract and the financial systems you will use.

6. Notice regarding Plans, Systems and Measures in sections 7 to 14, 15.2 and 16 below:

During contract evaluation, you may be required to submit for evaluation fully detailed systems which are consistent with and at least as inclusive as your outlines. If your tender is successful you will be required to adhere to these systems throughout the contract including any updates required by new legislation and new standards.

If your tender is accepted, you will be required to develop and implement fully detailed project specific plans and measures before contract commencement and adhere to them throughout the contract. See also RTA Q6-F Clause 4.2.5.

7. Industrial Relations Outline

Industrial relations management information which must include:

- ☞ An outline (including all main headings) of an IR Plan which complies with :
 - the Workplace Practices and Industrial Relations provisions of the NSW Government's Procurement Policy. (See http://www.treasury.nsw.gov.au/procurement/pdf/code_of_prac_curr.pdf).
 - and the guidelines/checklists for a Category 1 construction project set down in the NSW Government's Industrial Relations Guidelines (See http://www.construction.nsw.gov.au/docs/indrel/ir_management.pdf)

This must include outlines of a) consultation and communication mechanisms with staff and stakeholders, b) how relations with any union will be managed and c) measures to ensure continuing compliance with the NSW Govt's Procurement Policy.

- ☞ The names of any Federal and NSW awards to which you are or will be bound.
- ☞ If applicable, copies of enterprise or workplace agreements to which you are bound or plans of those you intend to implement.
- ☞ Appropriate information to verify compliance with awards, enterprise or workplace agreements and other legal obligations relating to employment.

How many work stoppages have you had in the last three years in companies you own or manage?

8. Quality Management System:

Outlines (including all main headings) of your Quality Management System and Project Quality Plan which together will meet the requirements of RTA Specifications Q6-F.

9. OH&S Management:

Outlines (including all main headings) of:

- your Occupational Health, Safety & Rehabilitation System complying with RTA Specification G24-F and
- the measures you will adopt to safely manage the OHS hazards identified using G24-F's Annexures

The system outlined must also comply with the NSW Government OHS&R Management Systems Guidelines.

Has WorkCover issued an Improvement Notice or Notices for any company you have owned or managed? If yes, indicate the action taken and outcome in each case.

10. Environmental Management

Outlines (including all main headings) of your Environmental System and project specific plans which together will comply with RTA Specification G34-F.

Has the EPA or a Council issued an Improvement Notice or Notices for any company you have owned or managed? If yes, indicate the action taken and outcome in each case.

11. Contingency Planning

Your plan for ensuring the ferry services continue with out interruption in the following circumstances:

Personnel are absent in any of the following circumstances:

- Sudden sickness
- Sudden resignation of several ferry crew
- Abandonment of employment without communication
- Leave

12. Customer Service & Neighbour Relations Plan

An outline (including all main headings) of your plan for ensuring the ferry services is perceived by its users to be efficient and friendly and by its neighbours to be considerate.

Describe how you will manage complaints.

13. Emergency Plan and Communication Plan

Outlines (including all main headings) of your plans for safeguarding the ferry crews, passengers and the FERRY CROSSINGS you will implement if successful.

14. Drug & Alcohol Policy & Plan

An outline (including all main headings), including the major headings, of the plan you will implement if successful.

15. Manning and Rostering:

15.1 Crew Fatigue Management

A fully detailed Safe Work Method Statement entitled "Crew Fatigue Management Plan" to which you would adhere throughout the contract. This Plan, as submitted, must not be varied without the RTA Representative's prior, written approval. Recognising the Contractor and ferry crewmembers are responsible for their own safety and that of many passengers and for a million dollar asset, this must:

- comply with RTA Specification G1 Specific Requirements for Berowra and Mortlake Ferries
- set down manning, rostering, leave and "second job / moonlighting" rules which will prevent excessive fatigue,
- prohibit excessive working hours (both in single shifts and in successive shifts)
- stipulate adequate rest periods between shifts
- stipulate meal breaks which will minimise fatigue and
- be presented to all your prospective employees and be freely available your employees at all times during the contract's term.
- not be varied without the approval of the RTA Representative

15.2 Manning:

Your plans for recruiting key personnel:

- Indicate the number of Ferry Drivers, Deckhands and support staff you envisage and their relevant experience.
- Indicate their availability and their level of accessibility to the site.
- Indicate relief personnel availability and lead times in accessing their services.
- Indicate how you will man the service during public holidays.
- Show proposed delegated site management and daily supervision

16. Designated Uniform :

An outline plan (design) of your proposed 'Designated Uniform' which will be worn at all times by all crew throughout the contract. Note: No other clothing may be worn with the uniform.

Annexure CT3B

Other information to be submitted within 10 working days of a request by the RTA:

- 1 Employment terms and conditions.
- 2 The number of, and names of, Ferry Drivers, Deckhands and management support staff, their relevant experience and the names, 'phone numbers and addresses of referees for them. The RTA may contact these.
- 3 Their availability and their level of accessibility to the site.
- 4 Details of relief personnel, availability, lead times in accessing their services.
- 5 Proposed delegated site management and daily supervision.
- 6 A fully detailed Quality Management system which is consistent with and at least as inclusive as your outline and which complies with RTA Specification Q6-F. If successful, you will be required to implement the system before contract commencement.
- 7 A fully detailed IR Plan consistent with and at least as inclusive as your outline and which complies with:
 - the Workplace Practices and Industrial Relations provisions of the NSW Government's Procurement Policy. (*See* http://www.treasury.nsw.gov.au/procurement/pdf/code_of_prac-curr.pdf).
 - and the guidelines/checklists for a Category 1 construction project set down in the NSW Government's Industrial Relations Guidelines (*See* http://www.construction.nsw.gov.au/docs/indrel/ir_management.pdf)If successful, you will be required to implement the plan before contract commencement.
- 8 A fully detailed OH&S system which is consistent with and at least as inclusive as your outline and which complies with RTA Specification G24-F. If successful, you will be required to implement the system before contract commencement.
- 9 A fully detailed Environmental Management system which is consistent with and at least as inclusive as your outline and which complies with RTA Specification G34-F. If successful, you will be required to implement the system before contract commencement.
- 10 A fully detailed Customer Service and Neighbour Relations plan consistent with and at least as inclusive as your outline. If successful, you will be required to implement the plan before contract commencement.
- 11 A fully detailed Contingency Plan. If successful, you will be required to implement the plan before contract commencement.
- 12 Fully detailed Emergency and Communication Plans. If successful, you will be required to implement the plan before contract commencement.
- 13 Fully detailed Drug and Alcohol Policy and Plan. If successful, you will be required to implement the plan before contract commencement.
- 14 A fully detailed design of your Designated Uniform. If successful, all your ferry crew will be required to wear the uniform (and no other clothing) when on the FERRY CROSSINGS from contract commencement.

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Minor Physical Works and Services – Conforming Tender Checklist

To ensure your Tender is conforming, you must:

- Complete the Schedule to Tender Form (last page of Tender Form).
- Attach the Schedule to Tender Form to the Tender Form.
- Sign the Schedule to Tender Form in the place provided (or make sure it is signed by a person with authority to sign on your behalf).
- Initial all pages of the Tender Form.
- Complete the Schedule of Rates.
- Initial all pages of the Schedule of Rates.
- Complete your responses to Annexure CT3A hereto
- Initial all pages of your responses to Annexure CT3A.
- If the RTA has requested you to do so, complete your responses to Annexure CT3B hereto
- Initial all pages of your responses to Annexure CT3B.
- If the RTA has requested a response from you regarding any Addenda, complete your responses.
- Initial all pages of your responses to the above Addenda
- Prepare and make the Statutory Declaration (see clause 4.5)
- Include advice as to your GST-status if you are not registered for GST or you wish to enter into a Voluntary Agreement for withholding Pay As You Go Taxation (see clause 7.2)
- Lodge all the documents listed above in the Tender Box by the closing date and time. Note that tenders submitted by facsimile or email will not be considered.

Continued overleaf

Although the following documents form part of the contract, the RTA does not require you to submit at the time of tender:

- The Terms for Contracted Work.
- The Contract Schedule.
- The Specifications issued by the RTA for this Tender namely:
 - G1 Specific Requirements
 - M496 Ferry Operation
 - Q6-F Quality Management System
 - G10 Control of Traffic – Ferry
 - G24-F Occupational Health and Safety – Ferry Operation
 - G34-F Environmental Protection- Ferry Operation.
- The Traffic Control Plan prepared by the RTA for the FERRY CROSSINGS.
- Any Addenda issued by the RTA which do not require a response from you.

Last page