
Request for Expression of Interest Home Construction

Various Regions

2009



DISCLAIMER

Each Respondent, by lodging an Expression of Interest in response to this document, will be deemed to acknowledge and accept that in respect of the information set out in this Request for Expressions of Interest and any other information ("the Information") provided at any time to the applicant by Defence Housing Australia (DHA):

1. It is aware that the Information is not guaranteed with respect to accuracy or completeness and that DHA accepts no responsibility for the Information or any interpretation or reliance placed on the Information by a Respondent;
2. It is aware that neither DHA nor any of its employees, officers or agents is liable for loss of any kind including damages, costs, interests, loss of profits or special loss or damage arising from any inaccuracy or incompleteness in the Information;
3. It has made its own independent evaluation of the suitability of the Information for the purpose of submitting its Expression of Interest prior to using the Information; and
4. No representation or warranty (expressed or implied) has been made by Defence DHA (or anyone on its behalf) to the applicant that:
 - a. The Information is suitable for the purpose of submitting its Expression of Interest; or
 - b. Reasonable care has been taken in preparing the Information.

Respondents must carefully and thoroughly consider and check the Information and are requested to notify DHA in writing of any errors, ambiguities, discrepancies, inconsistencies or omissions in the Information. DHA shall not be liable for any such error, ambiguity, discrepancy, inconsistency or omission.

Note: Where DHA building contracts meet or exceed \$3 million DHA will only contract with construction companies that are accredited under the Australian Government Building and Construction OHS Accreditation Scheme.

Note: The National Code of Practice for the Construction Industry, in accordance with the Australian Government Implementation Guidelines for the National Code of Practice for the Construction Industry, August 2009, applies to this project.

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Definitions

ADF means Australian Defence Force

AEST means Australian Eastern Standard Time

AEDT means Australian Eastern Daylight Time

Closing Date means the date specified as such in this Request for Expressions of Interest

Closing Time means the time specified as such in this Request for Expressions of Interest

Code means the National Code of Practice for the Construction Industry. A copy of the Code can be viewed at the Australian Workplace website at www.workplace.gov.au/building

Contact Person means the DHA person specified in clause 3.1

Deadline means **Closing Time** and **Closing Time**

DHA means Defence Housing Australia, established under the Defence Housing Authority Act, 1987

DOD means the Department of Defence

Guidelines mean the Australian Government Implementation Guidelines for the National Code of Practice for the Construction Industry. A copy of the Guidelines can be viewed at the Australian Workplace website at www.workplace.gov.au/building

House means the exterior and interior of a dwelling and the landscape treatment of the surrounding lot and associated street verges. Also referred to as Service Residence (SR).

Project means the specific lots on which construction of housing will be undertaken

Region means the general geographic area in which construction of housing will be undertaken

Respondent means an entity responding to this REOI

Response means any material submitted by a Respondent in relation to this REOI whether or not it complies with this REOI

REOI means Request for Expression of Interest

RFT means Request for Tender

Request for Expression of Interest

1. Objective

- 1.1 The aim of this request for Expressions of Interest (REOI) is to:
- a) invite a response from prospective builders who have a capability to undertake concurrent constructions of between 5 to 30 houses per project, and who would wish to tender for the construction of houses for Defence Housing Australia (DHA) in the specified regions; or selection regions or nationally; and
 - b) advise the evaluation criteria and methodology which will be utilised to derive a Panel of Builders who may then be invited to tender for specific projects on the basis of a select Request for Tender (RFT).

2. Background

- 2.1 Defence Housing Australia was established under the Defence Housing Authority Act 1987 to provide adequate and suitable housing for:

- a) members of the Australian Defence Force (ADF) and their families;
- b) officers and employees of the Department of Defence (DOD) and their families; and
- c) other persons;

in order to meet the operational needs of the ADF and the requirements of the DOD.

- 2.2 DHA operates Australia-wide through a network of regional Housing Management Centres (Adelaide, Brisbane, Cairns, Canberra, Darwin, Ipswich, Melbourne, Newcastle, Nowra, Perth, Riverina, Sydney, Toowoomba and Townsville) which are responsible for providing community standard housing for ADF and DOD families within their region.

- 2.3 DHA satisfies DOD accommodation requirements by a mixture of:

- a) construction off-base with a view to retaining the properties or selling them with a lease attached;
- b) construction on-base in accordance with DOD operational or policy requirements;
- c) direct purchase with a view to retaining the properties or selling them with a lease attached; and
- d) direct leases from the private rental market.

- 2.4 All options are pursued to meet the DOD requirement for residences in the regions, however this Expression of Interest is concerned only with ascertaining the availability of builders for potential Housing construction.

- 2.5 For all on-base projects, DHA will be seeking to obtain value for money consistent with an effective outcome for DOD. In all off-base projects to be undertaken, DHA will in addition seek to maximise commercial viability and marketability, since residences built on behalf of DHA may be sold to investors through the Sale and Leaseback (SLB) program.

3. How to Respond to This Invitation

3.1. DHA Contact Officer

- (a) All enquiries regarding this Expression of Interest should be directed via email to:
eoiconstruction@dha.gov.au
PH: 02 6217 8490
- (b) Addressed to: Mr Brad Fisher - Manager Tender Office.
- (c) Please quote your Region's as a Reference Number (eg: DHA-Darwin; DHA-Melb; DHA-Bris) in the subject line of the email (a response cannot be guaranteed for emails without this reference).
- (d) Any contact with any other DHA staff member relating to this REOI other than through the DHA Contact Officer may, at the absolute discretion of the National Manager Building Projects, invalidate the REOI submission.

3.2. Documents to be Lodged

3.2.1 Respondents are required to fully complete and return the following documents:

- (a) Cover Sheet;
- (b) Application Form (Appendix A);
- (c) Response Statements (Appendix B);
- (d) National Code of Practice for the Construction Industry including signed undertaking (Appendix C); and
- (e) Australian Government Building and Construction OH&S Accreditation Scheme status (Appendix D).

3.2.2 Respondents may also provide any information they consider relevant to their application in addition to the above documentation.

3.3. Lodgement Requirements

3.3.1 Expression of Interests should be enclosed in a sealed envelope marked on the outside of the envelope as follows:

Expression of Interest

Housing Construction

[Nominate your Region; Regions or National]

3.3.2 Expression of Interest must be lodged in the tender box at:

Defence Housing Australia.

Tender Box

26 Brisbane Avenue,

BARTON, ACT 2600

3.3.3 The Tender box will be closed every Thursday at 3pm AEST.

3.3.4 Responses lodged by fax or email will not be accepted.

3.4 Copies of Proposals

3.4.1 The original and two copies of the proposal, marked "Copy" are to be lodged.

3.4.2 In the event of any discrepancy between any copy and the original, the original takes precedence. Proposal material may be copied as required for evaluation purposes.

3.5 DHA's rights

3.5.1 DHA may:

- (a) amend this REOI;
- (b) require additional information or clarification from Respondents;
- (c) provide additional information or clarification to Respondents;
- (d) negotiate with any one or more Respondents including terminating any negotiations being conducted from time to time;
- (e) not release an RFT;
- (f) change the structure and timing of the REOI process at any time, DHA can terminate the REOI process if:
 - (i) it is in the public's interest to do so;
 - (ii) no response meets the minimum content and format requirements (eg. Mandatory requirements about responses);
 - (iii) no Respondent meets the conditions for participation (eg mandatory requirements about Respondents (such as the Respondent holding a particular licence);
 - (iv) no Respondent is fully capable of undertaking the services in accordance with the SOR; or
 - (v) no response represents value for money.

3.5.2 If it terminates the REOI process, DHA may:

- (a) negotiate with any one or more of the Respondents or any other person for the supply of all, or any, of the services;
- (b) call for new proposals;
- (c) engage in any other selection process for the supply of the services;
- (d) add to, alter, delete or exclude any services;
- (e) short list Respondents;
- (f) negotiate with any person who is not a Respondent and enter into a contract with that person on terms determined by DHA;
- (g) allow or not allow a related body corporate or other entity to take over a response in substitution for the original Respondent;
- (h) enter into any arrangements which will best meet DHA's needs;
- (i) allow a Respondent to correct an unintentional error or form in a response; and
- (j) suspend the REOI (on the same basis as termination).

3.5.3 Nothing in this REOI or arising from the REOI process shall give rise to any contractual obligations binding DHA (including a process contract). No proposal will be taken to have been accepted unless and until a contract is executed between the relevant vendor and DHA. Any conduct or statement by DHA whether prior to or subsequent to the issue of the REOI is not, and must not be deemed to be:

- (a) An offer to enter into a contract; or

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- (b) A binding undertaking of any kind by DHA (including, without limitation, an undertaking that could give rise to quasi-contractual rights, promissory estoppel or rights with a similar legal basis).

4 Confidentiality

- 4.1 All information submitted with a Respondent's submission will be treated as confidential to DHA and its consultants.

5 Conflict of Interest

- 5.1 Respondents, at the time of lodging their proposal, must declare any conflict of interest that exists, or is likely to arise, which would affect the performance of their obligations, if the Respondent were to enter into a contract with DHA.
- 5.2 In the event of a conflict of interest being identified, DHA may, at its discretion, exclude the proposal from further consideration.

6 Prohibitions

- 6.1 Respondents must not:
 - (a) make false or misleading statements;
 - (b) receive improper assistance from DHA employees;
 - (c) engage in collusive tendering or anti-competitive conduct; or
 - (d) attempt to improperly influence DHA's employees.

7. National Code of Practice for the Construction Industry

- 7.1 The Respondent's attention is drawn to the National Code of Practice for the Construction Industry (Code) and the Australian Government Implementation Guidelines for the National Code of Practice for the Construction Industry (Guidelines), August 2009. Copies of the Code and Guidelines are available at www.deewr.gov.au/building.
- 7.2 By submitting an expression of interest or tender to undertake the work/services you:
 - a) will be deemed to have read; and
 - b) agree that you must comply with, the Code and Guidelines.
- 7.3 Notwithstanding any other provisions of the EOI Documents, Respondents hereby consent to the disclosure of information concerning compliance with the Code and Guidelines, including details of whether or not a sanction (see Section 8.2 of the Guidelines) has been imposed. This consent extends to disclosure by the Commonwealth, its agencies and ministers, and disclosure to others for the purposes of facilitating compliance with the Code and Guidelines and the exercise of their statutory and portfolio responsibilities. Respondents must ensure that their proposed subcontractors and consultants are also aware of, and agree to comply with, these rights of use and disclosure.
- 7.4 Respondents should be aware that the Code and Guidelines apply to:
 - a. the project which is the subject of these EOI Documents; and
 - b. all construction building work undertaken by the Respondent and its related entities (see section 3.5 of the Guidelines) thereafter as defined in the Guidelines, including work on all new privately funded construction projects in Australia. For further information on the definition of privately funded construction projects, see section 3.4 of the Guidelines.

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- 7.5 It is a condition of tender that Respondents comply with the Code and Guidelines. As part of their EOI response, Respondents must submit a signed "Declaration of Compliance" in accordance with the Declaration of Compliance which is attached to this Expression of Interest.
- 7.6 It is also a condition of participation in this EOI that, at the time of lodgement of the expression of interest, the Respondent must not be:
- a) precluded from tendering for Australian Government funded work; or
 - b) subject to a judicial decision against them relating to employee entitlements, not including decisions under appeal, and have not paid the claim.

A failure to meet these conditions for participation will mean that the Respondent will be automatically excluded from the EOI.

- 7.7 Each Respondent must indicate in its EOI response:
- a) whether the Respondent or a related entity of the Respondent has ever been subject to a sanction imposed under the Code and Guidelines;
 - b) whether the Respondent has had a judicial decision against them (not including decisions under appeal) relating to employee entitlements and has not paid the claim;
 - c) whether the Respondent has had any adverse court, tribunal, industrial relations commission or Fair Work Australia finding, order or penalty awarded against them in the last two years (and if so provide details);
 - d) how the Respondent and its related entities have complied with the Code and Guidelines in the past (if the Respondent has undertaken Australian Government funded construction work in the past);
 - e) how the Respondent intends to comply with the Code and Guidelines in performing the Contract, should it be the successful Respondent; and
 - f) where the Respondent proposes to subcontract an element of the project, either:
 - i) the information detailed in the above subclauses (a) and (b) in relation to each subcontractor, or
 - ii) how the Respondent intends to ensure each subcontractor complies with the Code and Guidelines.
- 7.8 While acknowledging that value for money is the core principle underpinning decisions on Government procurement, Respondent should note that when assessing tenders, preference may be given to Tenders that demonstrate a commitment to:
- a) adding and/or retaining trainees and apprentices;
 - b) increasing the participation of women in all aspects of the industry; or
 - c) promoting employment and training opportunities for Indigenous Australians in regions where significant indigenous populations exist.

8. Australian Government Building and Construction OHS Accreditation Scheme

- 8.1 The Australian Government is committed to improving occupational health and safety (OHS) outcomes in the building and construction industry. An important initiative to achieve this is the Australian Government Building and Construction OHS Accreditation Scheme (the Scheme). The Scheme is established by the Building and Construction Industry Improvement Act 2005 and specified in the Building and Construction Industry Improvement (Accreditation Scheme) Regulations 2005.

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- 8.2 The Scheme commenced in March 2006. Since that time only persons who are accredited under the Scheme have been able to contract for building work directly funded by the Australian Government where the contract is valued at \$6 million or more.
- 8.3 From 1 October 2007 only persons who are accredited under the Scheme are able to contract for building work directly funded by the Australian Government where the contract is valued at \$3 million or more.
- 8.4 Building work is considered directly funded where the Commonwealth (Australian Government) or a Commonwealth authority enters into a contract with persons who will carry out the building work or, who may arrange for the building work to be carried out. It includes building work that the Australian Government facilitates directly by agreement (for example pre-commitment lease, Build Own Operate (BOO) and Build Own Operate Transfer (BOOT) arrangements).
- 8.5 Contractors seeking accreditation are required to submit an application, addressing specific occupational health and safety criteria, to the Office of the Federal Safety Commissioner (OFSC). More information on the Scheme is available on the Federal Safety Commissioner (FSC) website at www.fsc.gov.au or by contacting the OFSC on 1800 652 500.

9. Accreditation Requirement

- 9.1 Respondents should be aware that inclusion on the Panel of Builders resulting from this REOI process will require them to obtain accreditation under the Scheme for any contracts that meet or exceed \$3 million.

10 DHA Requirement

10.1 Housing Demand

- (a) Demand varies over time and information will be provided to successful builders if considered relevant by DHA.

10.2 Housing Requirements

- (a) DHA aims to achieve a standard of design and construction for the house exterior, interior and associated landscape, that is at least equal to that of high quality project housing in the general community, with the obligation of DHA to act in a commercial manner.
- (b) To meet the particular requirements of DOD, where mandatory requirements apply for new house construction, these are nominated in DHA's national specification "*Performance and Design Requirements for Construction of DHA Service Residences*".

10.2.1 House Size

- (a) House sizes vary due to the property's classification. The size of the houses to be constructed will be nominated in each project's tender documentation.
- (b) Typically the majority of houses fall into the following size ranges:
- 140-180m² – basic house
 - 180-200m² – basic house plus one additional amenity*
 - 200-220m² – basic house requirements plus two additional amenities*

* An amenity is a functional area e.g. study, family room, rumpus room etc.

10.2.2 Functional Requirements

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- (a) The majority of houses constructed will be three or four bedroom dwellings (a master bedroom plus three other bedrooms) with the following functional areas expected to be under the main roof line:
 - i. lounge (living);
 - ii. dining (may be combined with lounge);
 - iii. ensuite (to master bedroom);
 - iv. bathroom (with separate shower and bath);
 - v. toilet (separate to bathroom);
 - vi. laundry (separate room not mandatory);
 - vii. double or single garage (lock up/ secured) with storage space;
- (b) Larger homes will generally include all the above and one or more of the following rooms:
 - i. family;
 - ii. family/meals;
 - iii. study;
 - iv. rumpus/games.
- (c) External spaces required to be provided close to the house include:
 - i. a covered outdoor area (COA), paved and weather proof, that may be under main roof line, with access from main daytime living areas of house;
 - ii. a private open space, contained within the fenced/secured rear yard.

10.2.3 Size Requirements

- (a) DHA land varies from location to location and plans will need to accommodate differing lot sizes and frontages. Typical lots vary from 400m² to 600m² with frontages from 15m to 20m.

10.2.4 Amenity Requirements

- (a) Where more than one house is to be constructed, a variety of elevation designs, colours and or materials is required to provide diversity in the street and neighbourhood.
- (b) Houses must be designed and constructed to provide the following general amenity levels:
 - i. easy to maintain inside and out with low maintenance garden;
 - ii. good acoustic and visual privacy between sleeping and living and bathrooms;
 - iii. internal living spaces for a family;
 - iv. exterior spaces designed and constructed to facilitate a range of family activities;
 - v. location of windows, doors and services to allow for flexibility in placement of furniture;
 - vi. character to suit locality with regionally appropriate palette of colours and materials; and
 - vii. pedestrian entry is clearly visible and safe from the public realm and car accommodation and parking does not dominate the streetscape.

10.2.5 Sustainability Requirements

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- (a) As well as meeting the BCA, all government authority requirements and any other local codes, houses will be generally consistent with regional building practices and standards.
- (b) DHA is committed to continual improvement in sustainable development and therefore houses should be designed and constructed to have the following features:
 - i. energy efficient - to minimise power use for active heating and cooling systems; house designs scoring at least a five star NatHERS energy rating or equivalent and achieve:
 - (A) passive solar design and natural ventilation for the specific region; and
 - (B) specific orientation for the microclimate of the lot;
 - ii. water efficient - to minimise potable water use with:
 - (A) minimum AAA related tapware fittings where applicable;
 - (B) xeriscape landscapes relevant to the region; with
 - (C) maximised ground water recharge opportunities through minimised use of impermeable surfaces;
 - iii. materials waste minimised - with design efficiencies and with collection and recycling of waste materials during construction;
 - iv. biodiversity enhanced – with landscape design using local flora to promote local fauna.

10.3 Documentation Requirements

Respondents are to be aware that the tender and subsequent contract documentation requirement for each project is inclusive of plans and other documents to satisfy both DHA and the processes of all relevant authorities.

DHA require for approval, prior to construction, full plans of the house and the landscape works, with details as required. On completion and subsequent to builder's certification, DHA is to be provided the "as executed" documents at handover.

11 Duration of Panel of Builders

- 11.1 The panel of builders will remain in effect for a period of three years from the inception of the panel. Builders may be added to the panel or removed from the panel at the sole discretion of DHA.

12 Respondents to Note

- 12.1 The issue of this REOI, or any Response to it, does not commit, obligate or otherwise create a legal relationship between DHA and a Respondent in respect of:
 - (a) an obligation on DHA to issue an RFT to a Respondent;
 - (b) DHA entering into a contract with a Respondent; or
 - (c) the process to be followed in handling any responses.
- 12.2 In no event will DHA be liable for any cost, expense, loss, claim or damage arising out of a Respondent's participation in this REOI process or any subsequent RFT.

13 Evaluation

- 13.1 The decision to approve or reject a submission for evaluation is at the absolute discretion of DHA, who shall not be held liable for any costs incurred or damages arising out of such discretion.

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- 13.2 The evaluation may involve discussions with some or all Respondents to seek further clarification of their submissions, requests to some or all Respondents to provide written clarification of various aspects of their submissions and discussions with and visits to, customers of some or all Respondents and their subcontractors, whether or not those customers are listed as referees in the Respondent's submission.
- 13.3 DHA may make independent enquiries about any matters that may be relevant to the evaluation of a submission.

14 Consultants

- 14.1 To assist DHA with the evaluation process DHA may employ the services of consultants to assist in all or part of the evaluation. All information will be treated as Commercial-in-Confidence.

15 Evaluation Procedures

- 15.1 DHA will appoint an evaluation committee to evaluate the proposals received.
- 15.2 Each Respondent grants to DHA the right to:
- (a) seek clarification from the Respondent in relation to any information contained in its proposal;
 - (b) obtain information from any referee nominated in its proposal;
 - (c) conduct its own inquiries in relation to the Respondent or the Respondent's past performance; and
 - (d) make independent enquiries about any matter that may be relevant to the evaluation of any response.
- 15.3 Where DHA requests any clarification from a Respondent, DHA:
- (a) may nominate a time for any response by the Respondent; and shall be entitled to:
 - (b) rely on the information provided in the proposal where a response is not provided within the time nominated by DHA; and
 - (c) reject any information.
- 15.4 Where DHA believes that more than one Respondent is able to satisfy its requirements, DHA may:
- (a) develop a short list;
 - (b) seek additional information from one or more Respondents to enable it to complete its evaluation; and
 - (c) request one or more Respondent to make a formal presentation.
- 15.5 REOIs are to be assessed on the basis of Value for Money as between DHA and the Respondents. Value for money is a comprehensive assessment that takes into account both the representations made by respondent against the evaluation criteria, in the context of the risk profile presented by each response.
- 15.6 The providers submitting an REOI will be assessed against the following evaluation criteria:

16 Evaluation Criteria

- 16.1 Submissions will be evaluated against the following criteria, which are not specified in any order of importance:

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- (a) *Criterion 1:* Demonstrated capability and capacity to undertake housing construction for DHA;
- (b) *Criterion 2:* The suitability of the Respondent's House Designs to meet DHA's requirements;
- (c) *Criterion 3:* Demonstrated ability to complete housing construction projects on time, on budget and to agreed quality standards; and
- (d) *Criterion 4:* Demonstrated financial capacity and capability to undertake housing construction projects for the duration of the Panel of Builders' arrangements.

16.2 Evaluation Stages

Expressions of Interest received will be assessed as follows:

16.2.1 First Assessment – Completeness of Response

- i. The Evaluation Committee will examine each Respondent's REOI for completeness. That is, examine each respondent's submitted Appendix A, B, C & D to ensure sufficient information has been supplied to allow assessment.
- ii. Respondents that do not provide any information, or the information supplied is deemed incomplete by the Evaluation Committee, may be deemed non-compliant and may be excluded from the evaluation process. If DHA considers that there are unintentional omissions or errors in the information provided in a submission, DHA may request the Respondent to correct or clarify the omission or error, but it will not allow any material alteration or addition to the submission.

16.2.2 Second Assessment – National Code of Practice for the Construction Industry

- i. Complying Respondents from the first assessment will be assessed for compliance with the National Code of Practice for the Construction Industry 1999 (Code).

Respondents who do not comply with the Code will not be considered further.

16.2.3 Third Assessment – Suitability for Work

- i. Complying Respondents from the second assessment will be evaluated against evaluation criteria 1, 2 & 3 (refer 16) to determine their suitability to undertake the proposed work.

16.2.4 Fourth Assessment – Financial Assessment

- i. Respondents considered suitable at the third assessment will be financially assessed by DHA.

16.2.5 Fifth Assessment (Desirable Criteria) – Australian Government Building and Construction OHS Accreditation Scheme

- i. All Respondents will be assessed for compliance with The Australian Government Building and Construction OHS Accreditation Scheme in accordance with *Building Construction Industry Improvement Act 2005*.

16.2.6 Sixth Assessment – Ranking

- i Respondents will be ranked in order of merit.
- ii DHA reserves the right to exclude a submission from further consideration at any stage of the REOI process if it considers the submission is clearly uncompetitive in relation to any of the evaluation criteria.

16.2.7 Panel Selection

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- i. DHA will determine the membership of the panel at its discretion based on the results of the evaluation of the above assessment.

Note: DHA will require Respondents to be accredited under the Australian Government Building and Construction OHS Accreditation Scheme (at the time contracts are executed) for projects that meet or exceed \$3 million.

16.3 Selection Decision

All respondents will be informed in writing of the outcome of the REOI process at its conclusion and will be offered the opportunity for a debriefing.

APPENDIX A: APPLICATION FORM AND DECLARATION

Note: Defence Housing Australia contracts only with acceptable legal entities having appropriate financial assets and does not contract with entities such as a business name, trust or firm trading under a trust arrangement. Respondents are required to provide evidence of their legal entity either by providing a copy of an official document such as company registration and names of office bearers issued by the Australian Securities Commission or a statement confirming the legal entity signed by a practising solicitor.

Respondent's Legal Name:			
Respondent's Business or Trading Name:			
Australian Business Number (A.B.N.):			
Australian Company Number (A.C.N.):			
Date when Business Commenced Operation:			
Legal entity of above for Registration/Contracting (Tick as applicable)			
Sole Trader <input type="checkbox"/> Partnership <input type="checkbox"/> Company <input type="checkbox"/> Holding Co. <input type="checkbox"/> Subsidiary Co. <input type="checkbox"/>			
Evidence of Legal Entity attached <input type="checkbox"/>			
Business Address:			
Postal Address:			
Contact Person:			
Contact Number(s):		Bus:	Mob:
Facsimile Number:			
Email Address:			
Preferred Method of Delivery of Information:	<input type="checkbox"/> Email	<input type="checkbox"/> Fax	<input type="checkbox"/> Post
Membership Details of Industry Association(s) (if applicable):			
Licence No. & Type:			
Copy of Licence Attached <input type="checkbox"/>			

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COMPANY DETAILS (to be completed by Companies only):

Date of Registration: <i>A copy of registration documents must be submitted on initial registration and if name change occurs</i>	
Is company involved in any trust relationships? <i>If yes, give full details</i>	
If a subsidiary company, state name of holding company.	
If a holding company, state names of divisions, and/or subsidiaries	
State Trading Name	

BUSINESS DETAILS (to be completed by Sole Traders and Partnerships only):

State whether a Sole Trader, or Partnership	
State names and address of all members of business.	
State Trading Names	

ADDITIONAL DETAILS (to be completed by all Respondents):

Have you, or any business you have been managing, ever failed to complete a construction contract?	Yes/No (If yes, please provide details)
Have you, or any business you have been managing, been declared bankrupt or been subject to repossession proceedings	Yes/No (If yes, please provide details)

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over the past seven years?	
Are there any judgement debts or court orders against the Respondent?	Yes/No (If yes, please provide details)

DECLARATION BY RESPONDENT

I/ We have noted and accept all the conditions contained in this Request for Expressions of Interest.

I/ We hereby submit the Expression of Interest with Defence Housing Australia and declare that to the best of my/our knowledge the particulars shown herein are true and correct.

Date:	
Signed for the Respondent by:	
In the Officer Bearer capacity of:	
Name (<i>IN BLOCK LETTERS</i>):	



Appendix B: Response Statements

Respondents are required to demonstrate, to DHA's satisfaction, that they have the capability, capacity, experience and financial standing to manage and deliver housing designs and housing construction services required by DHA. Respondents must provide Response Statements to the evaluation criteria that are identified in clause 16 of the REOI, which incorporate as a minimum the following information:

Response Statement 1: Demonstrated capability and capacity to undertake housing construction for DHA

1.1 Availability of Professional Staff

Respondents are to provide details of all senior construction staff, showing their qualifications and experience, including any membership of relevant professional associations, and providing details of current and anticipated project commitments.

1.2 Key Management Personnel

Respondents should provide a list of all Directors, Partners, and Executives, and indicate any relevant cross-directorships that could potentially either support or be in conflict with a contractual relationship with DHA.

1.3 Use of Subcontractors

Respondents are to nominate the work proposed to be subcontracted and provide details of the intended businesses to do this work, including landscape design and construction. Details are to include the qualifications and experience of the personnel intended to undertake the DHA projects, including membership of relevant professional/ trade associations.

1.4 Quality Management

Respondents are to provide details, and where possible examples, of their quality management system and the status of implementation.

1.5 Risk Management

Respondents are to provide details, and where possible examples, of their risk management policies and approach to risk management, together with details and copies of current insurance coverage. Insurance policy details should include the type of policy, the name of the insurer, the amount of cover and the expiry date as a minimum. Successful Respondents will be required to carry current Builder's Indemnity Insurance,

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Public Liability (\$20M) and Workers Compensation with a reputable and secure insurance provider.

1.6 OH&S and Industrial Relations Policies

Respondents are to provide details, and where possible examples, on the establishment and implementation of OH&S Plans both generally and on specific projects.

Respondents are also to provide details of any of the following to which it is a party or for which it has arrangements in place:

- a) Enterprise agreements, together with expiry dates;
- b) Superannuation Agreements;
- c) Redundancy Schemes; and
- d) Long Service Leave.

1.7 Availability to undertake tenders for House and Land packages

Respondents are to provide details, and where possible examples on whether they have the capacity to provide House and Land packages to DHA.

Respondents are also to note the following DHA requirements:

- a) The land should be within a radius of 30 kilometres from a Defence Force Base. The land must accommodate a 3 or 4 bedroom home of conventional design with a standard residential garden space as well as homes of similar configuration set in courtyard size allotments.
- b) Blocks of land must be rectangular with a minimum size of 400 square metres and a maximum size of 720 square metres, relatively flat gradient.
- c) DHA prefers to avoid corner blocks, blocks opposite T junctions, blocks facing or backing onto roads with high traffic volumes, blocks backing onto or directly facing shopping centres or schools, blocks within 100 metres of overhead power lines or within 100 metres of an aspect in which power lines dominate the skyline.

Response Statement 2: The suitability of the Respondent's House Designs to meet DHA's requirements

Respondents are required to submit indicative designs for houses from their standard portfolio and or examples of recent work that is indicative of the standard to be offered to DHA. Respondents should endeavour to submit documents, including detail plans, which meet with the requirements described in clause 10. The documents should address internal layout, elevations and materials, landscape treatments and sustainability measures.

Response Statement 3: Demonstrated ability to complete housing construction projects on time, on budget and to agreed quality standards

3.1 Current Projects

Respondents are to provide details of all residential construction work currently in hand, providing:

- a) project name and description;
- b) contract sum; and
- c) start dates and expected completion dates.

3.2 Completed Projects

Respondents are to provide the following details of residential construction projects completed within the last 12 months.

- a) the initial contract sum;
- b) the end contract sum;
- c) an explanation of the variation in the contract sum (eg. client-initiated variations, disputes leading to claims etc);
- d) details of any claims (other than progress claims) over \$50,000 made by either party to the contract;
- e) details of any issues which arose and how they were resolved; and
- f) any added value for money achieved on those projects.

DHA is particularly interested in details of multiple concurrent housing construction contracts.

3.3 Contract Administration

Respondents should provide details, and where possible examples, of their approach to contract administration, including quality control, risk management, cost control, programming, timely completion and standards compliance.

3.4 Defect and Warranty Performance

Respondents should provide details, and where possible examples, of their approach to defect and warranty performance during warranty periods and contract finalisation.

3.5 Referees

Respondents are to nominate and provide contact details of at least three referees who can verify or provide information from a client perspective regarding previous experience, quality of work, performance and timely completion of projects. DHA's preference is for referees related to multiple/concurrent housing constructions.

Response Statement 4: Demonstrated financial capacity and capability to undertake housing construction projects for the duration of the Panel of Builders' arrangements

4.1 Financial Capacity & Capability

Respondents are required to submit full and comprehensive financial information e.g. Annual Reports and Financial Statements for a formal financial assessment, which may be carried out by DHA's independent financial consultant. The financial information provided is to be in respect of the legal entity of the Respondent, but corporate relationships that may be relevant should be stated. When the Respondent is a subsidiary, the information provided is to be in respect of the Subsidiary and not its Holding Company.

Note that if a Subsidiary does not have sufficient financial capability in its own right, assessment may be sought in the name of the Holding company, or in the name of Holding and Subsidiary Companies, joint and severally. It should be noted that pre-qualification of an entity or entities, if achieved, will not extend to other associated or subsidiary entities owned or controlled by the Respondent.

Response Statement 5: Additional Information

Respondents should provide any additional information they consider relevant in support of their Expression of Interest.



Appendix C: National Code of Practice for the Construction Industry

National Code of Practice for the Construction Industry and the Australian Government Implementation Guidelines, August 2009 applies to this project.

1. The Respondent's attention is drawn to the National Code of Practice for the Construction Industry (the Code) and the Australian Government Implementation Guidelines for the National Code of Practice for the Construction Industry (the Guidelines) August 2009, both of which can be found at www.workplace.gov.au/building.
2. Any party wishing to do business with DHA will be required to comply with all aspects of the Code applicable to their activities.
3. The Respondent is to note, contractors, subcontractors and consultants raising purchase orders or minor contracts of \$25,000 or less must ensure the below clause is included within purchase orders.

The National Code of Practice for the Construction Industry (the Code) and the Australian Government Implementation Guidelines for the National Code of Practice for the Construction Industry, August 2009 (Guidelines), apply to this project. By agreeing to undertake the works, you will be taken to have read and to agree to comply with the Code and Guidelines.

Declaration of Compliance – Part 1

1. Name of DHA Region Expressing Interest For:

Documentation

2. The Respondent **must** provide the appropriate letter from the Department of Education, Employment and Workplace Relations (DEEWR) verifying Code Compliance.

Is the letter from DEEWR attached?

YES NO

To obtain a letter verifying Code compliance, contact DEEWR:

- the National Code Hotline: 1300 731 293
- the National Code Mailbox: code.assessment@deewr.gov.au
- or visit online:

<http://www.workplace.gov.au/workplace/Organisation/Industry/BuildingConstruction/Codeassessmentonline.htm>

DHA USE: Letter Verifying Code Compliance
Attached / Non Attached and therefore non-compliant

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3. The Respondent must note in its expression of interest any failure to comply with the Code.

(a) Has the Respondent ever had a judicial decision against them (not including decisions under appeal) relating to employee entitlements and not paid the claim?

YES NO

(b) Has the Respondent been on the exclusion list or been precluded from tendering for Australian Government work due to previous breaches of the Code and Guidelines?

YES NO

To check if you are on the exclusion list, visit:

<http://www.workplace.gov.au/workplace/Organisation/Industry/BuildingConstruction/Sanctions.htm>

(c) Has the Respondent had any adverse court, tribunal, or industrial relations commission/Fair Work Australia finding, order, penalty awarded against them in the last two years?

YES NO

4. The Respondent is advised the practices listed below are inconsistent with the Code and Guidelines.

Does the Respondent currently undertake any of the practices below?

(a) Does the Respondent use unregistered written agreements, (other than common law agreements made between the employer and an individual employee)?

YES NO *(see section 6.1.3 of the Guidelines)*

(b) Does the Respondent use sham contractor arrangements?

YES NO *(see section 6.1.4 of the Guidelines)*

(c) Does the Respondent require or attempt to unduly influence (either through the tendering process or otherwise) subcontractors or suppliers to have particular workplace arrangements in place?

YES NO *(see section 6.2.1 of the Guidelines)*

(d) Does the Respondent directly or indirectly coerce or pressure contractors, subcontractors or consultants to make over award payments?

YES NO *(see section 6.3.1 of the Guidelines)*

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(e) Does the Respondent:

- provide the names of new staff, job applicants, contractors or subcontractors to unions other than as required by law?
- have 'no ticket, no start' signs or 'show card' days?
- discriminate against or disadvantage elected employee representatives?
- use forms requiring the employee to identify their union status or employers and contractors to identify the union status of employees or subcontractors?
- refuse to employ, or terminate an employee, because of their union status?
- refuse a reasonable request from a workplace delegate to represent employees in relation to grievances and disputes or discussions with members?
- impose, or attempt to impose, a requirement for any contractor, subcontractor or employer to employ a non-working shop steward or job delegate or to hire an individual nominated by a union?
- require that a person pay a 'bargaining fee' however described, to an industrial association of which he/she is not a member, in respect of services provided by it?

YES NO (see section 6.4.2 of the Guidelines)

The above is not a comprehensive list of non-compliant matters. If the Respondent is unsure of whether any aspect of their workplace relations arrangements fails to comply with the Code and Guidelines, please contact DEEWR on **1300 731 293** or code.assessment@deewr.gov.au.

Declaration of Compliance – Part 2

On Site Application

This declaration must be completed by the Respondent and lodged with its Tender. Any Tender in which this schedule is not completed may be regarded as Informal and not considered further in the evaluation of Tenders.

Name of DHA Region Expressing an Interest for:

Name of Respondent, ABN and ACN:

1. The Respondent confirms that it has complied with the National Code of Practice for the Construction Industry (Code) and the Australian Government Implementation Guidelines for the National Code of Practice for the Construction Industry (Guidelines), August 2009, in preparing this Tender.
2. The Respondent undertakes that it complies with Code and Guidelines, and has complied with the Code and Guidelines from the time of lodgement of this tender, and that it has required compliance by its related entities (see section 3.5 of the Guidelines).
3. The Respondent undertakes to ensure compliance from all subcontractors and consultants engaged on this project, should it be the successful Tenderer. All contracts must expressly require compliance with the Code and Guidelines.
4. The Respondent agrees that it and its subcontractors and its related entities will provide the Commonwealth or any person authorised by the Commonwealth, including a person occupying a position in the Office of the Australian Building and Construction Commissioner, with access to:
 - (a) inspect any work, material, machinery, appliance, article or facility;
 - (b) inspect and copy any record relevant to the Project and Works the subject of this Contract;
 - (c) interview any person; and
 - (d) any document requested under this contract. The document must be provided within the period specified either in person, by fax or by post, as is necessary to demonstrate its compliance with the Code and Guidelines.
5. The Respondent acknowledges that it is aware the Commonwealth or Minister for Employment and Workplace Relations may impose a sanction on a Tenderer or Contractor that does not comply with the Code and Guidelines.

The sanction imposed may include but is not limited to:

- (a) the reporting of the breach to an appropriate statutory body or law enforcement agency (if there is evidence that the breach may also be a breach of a Commonwealth or State law), or industry association;
- (b) issuing of a formal warning that future breaches may lead to more significant sanctions;
- (c) preclusion from Tendering for any Commonwealth work for a specified period;
- (d) communication of sanction details to all Commonwealth agencies to ensure a 'whole-of-Government' approach;
- (e) publication of details of the breach and identification of the party committing the breach; and
- (f) a reduction in the number of tendering opportunities that are given.

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6. The Respondent is to **select** which of the following clauses in italics is appropriate and **delete** the remaining clause:
- (a) *The Respondent hereby gives its consent, and confirms that its related entities give their consent, to disclosure by the Commonwealth, its agencies and ministers, of information concerning the Tenderer's and its related entities' compliance with the Code and Guidelines and whether or not a sanction has been imposed on the Tenderer and/or related entity of the Tenderer, for the exercise of their statutory and portfolio responsibilities (the Purposes).*

OR

- (b) *The Respondent has previously given its consent, and confirms that its related entities have previously given their consent, to disclosure by the Commonwealth, its agencies and ministers, of information concerning the Tenderer's and its related entities' compliance with the Code and Guidelines and whether or not a sanction has been imposed on the Tenderer and/or a related entity of the Tenderer for the exercise of their statutory and portfolio responsibilities (the Purposes), and confirms that the Tenderer and its related entities have not revoked that consent.*
7. The Respondent has obtained or will obtain the consent of each subcontractor and consultant proposed in its Tender to disclosure by the Commonwealth, its agencies and ministers, of information concerning the proposed subcontractors, compliance with the Code and Guidelines and whether or not a sanction has been imposed on any proposed subcontractor, for the Purposes.
8. The Respondent acknowledges that the consents provided in clause 6 are not limited to this Tender process as the Tenderer is expected to comply with the Code in future projects.
9. The Respondent will:
- (a) Describe how the Respondent has complied with the Code and Guidelines in the past (if the Respondent has undertaken Australian Government funded construction work in the past).

(i) complying with the Code;

http://www.workplace.gov.au/NR/rdonlyres/58COD20D-18AC-4D8C-B368-AFBD62AE661F/0/National_Code_of_Practice_for_Construction_Industry_1997.pdf

Have you undertaken Australian Government funded construction work in the past?

YES **NO**

If yes;

Do you comply with the below statement?

YES **NO**

Including complying with the 8 National Principles found within the Code: *Clients Rights and Responsibilities; Relationships; Competitive Behaviour; Improve Best Practice; Workplace Reform; OHS&R; Industrial Relations; Security of Payment.*

(ii) complying with the Guidelines;

http://www.workplace.gov.au/NR/rdonlyres/BDE2564B-763E-463B-AD74-AD9900430D8E/0/ImplementationGuidelinesJune06_August08update.pdf

Have you undertaken Australian Government funded construction work in the past?

YES NO

If yes;

Do you comply with the below statements?

YES NO

- comply with the Code and Guidelines;
- require compliance with the Code and Guidelines from all subcontractors before doing business with them;
- apply the Code and Guidelines to privately funded projects that commence after they first lodge an expression of interest or tender for Australian Government projects if the expression of interest or tender occurs on or after 1 November 2005;
- ensure that contractual documents allow for a person occupying a position in the ABCC to access sites, documents and personnel to monitor compliance with the Code and Guidelines, including privately funded construction sites;
- ensure project managers or head contractors establish appropriate processes to ensure freedom of association;
- ensure there is an occupational health safety and rehabilitation (OHS&R) plan for the project;
- respond to requests for information concerning Code-related matters made on behalf of Code Monitoring Group (CMG);
- where practicable, ensure contractors or subcontractors initiate voluntary remedial action aimed at rectifying non-compliant behaviour when it is drawn to their attention;
- ensure that CMG secretariat is notified of any alleged breaches, voluntary remedial action taken or other Code-related matters within 21 days of the party becoming aware of the alleged breach;
- be aware that and ensure that sanctions applied under the Code are enforced including the exclusion of identified parties from work opportunities in accordance with decisions advised by CMG;
- ensure that contractual documents allow Workplace Inspectors to access sites, documents and personnel to monitor compliance with the Code and Guidelines;
- ensure that where threatened or actual industrial action occurs on a project, contractors, subcontractors, consultants or project managers report such action to DHA;
- proactively ensure compliance with the Code and Guidelines by subcontractors including by confirming this at site or project meetings, and by making this a contractual obligation;
- report any dispute that may impact on project costs or timelines to DHA; and
- encourage project managers to establish an effective and clear reporting structure for construction projects.

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- (b) Describe how the Respondent intends to comply with the Code and Guidelines in performing a Contract should its submission be successful.

For example:

(i) complying with the Code;

http://www.workplace.gov.au/NR/rdonlyres/970A6A4D-79FB-4D34-8942-24FFD772A1EC/0/National_Code_of_Practice_for_Construction_Industry_1997.pdf

Will you comply with the below statement?

YES NO

Including complying with the 8 National Principles found within the Code: *Clients Rights and Responsibilities; Relationships; Competitive Behaviour; Improve Best Practice; Workplace Reform; OHS&R; Industrial Relations; Security of Payment.*

(ii) complying with the Guidelines;

<http://www.workplace.gov.au/NR/rdonlyres/363376EB-CE74-480A-AD86-60B094E186BF/0/ImplementationGuidelines.pdf>

Will you comply with the below statements?

YES NO

- comply with the Code and Guidelines;
- require compliance with the Code and Guidelines from all subcontractors before doing business with them;
- apply the Code and Guidelines to privately funded projects that commence after they first lodge an expression of interest or tender for Australian Government projects if the expression of interest or tender occurs on or after 1 November 2005;
- ensure that contractual documents allow for a person occupying a position in the ABCC to access sites, documents and personnel to monitor compliance with the Code and Guidelines, including privately funded construction sites;
- ensure project managers or head contractors establish appropriate processes to ensure freedom of association;
- ensure there is an occupational health safety and rehabilitation (OHS&R) plan for the project;
- respond to requests for information concerning Code-related matters made on behalf of Code Monitoring Group (CMG);
- where practicable, ensure contractors or subcontractors initiate voluntary remedial action aimed at rectifying non-compliant behaviour when it is drawn to their attention;
- ensure that CMG secretariat is notified of any alleged breaches, voluntary remedial action taken or other Code-related matters within 21 days of the party becoming aware of the alleged breach; and
- be aware that and ensure that sanctions applied under the Code are enforced including the exclusion of identified parties from work opportunities in accordance with decisions advised by CMG;
- ensure that contractual documents allow Workplace Inspectors to access sites, documents and personnel to monitor compliance with the Code and Guidelines;
- ensure that where threatened or actual industrial action occurs on a project, contractors, subcontractors, consultants or project managers report such action to DHA;
- proactively ensure compliance with the Code and Guidelines by subcontractors including by confirming this at site or project meetings, and by making this a contractual obligation;
- report any dispute that may impact on project costs or timelines to DHA; and
- encourage project managers to establish an effective and clear reporting structure for construction projects.

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- (c) Where the Respondent proposes to subcontract an element of the Work, the Respondent is either to:
- 1 provide the information detailed at (a) and (b) in relation to each subcontractor; or
 - 2 detail **how** the Respondent intends to ensure compliance with the Code and Guidelines by each subcontractor.

Privately Funded Projects:

6. The Respondent declares that, in respect to privately funded projects:
- (a) The Respondent and its related entities will comply with the Code and Guidelines on all the Respondent's and its related entities' future privately funded projects.
 - (b) The Respondent must maintain adequate records of compliance with the Code and Guidelines by the Respondent, its subcontractors and related entities.
 - (c) The Respondent agrees that it and any of its related entities will provide the Commonwealth or any person authorised by the Commonwealth, including a person occupying a position in the Office of the Australian Building and Construction Commissioner, with access to:
 - (i) inspect any work, material, machinery, appliance, article or facility;
 - (ii) inspect and copy any record relevant to the Project and Works the subject of this Contract; and
 - (iii) interview any person as is necessary to allow validation of its compliance with the Code and Guidelines.
 - (d) The Respondent agrees that the Respondent and its related entities will agree to a request from the Commonwealth or any person authorised by the Commonwealth, including a person occupying a position in the Office of the Australian Building and Construction Commissioner, to produce a specified document within a specified period, in person, by fax or by post.
 - (e) The Respondent will ensure that the Respondent and its related entities permit the Commonwealth or any person authorised by the Commonwealth, including a person occupying a position in the Office of the Australian Building and Construction Commissioner, to have access to records and to the related entities' and subcontractors' premises (to inspect and copy records), as is necessary to ensure that the subcontractors and related entities are complying with the Code and Guidelines.

Respondent's Name: _____

Respondent's Signature: _____

Position Held: _____

Date: ____ / ____ / ____

Appendix D: Australian Government Building and Construction OHS Accreditation Scheme.

Are you an FSC Accredited Builder?

YES NO

If you are an FSC Accredited Builder the following information must be supplied to DHA; together with a copy of your

- FSC Accreditation Certificate; and
- the AS4801 Certificate.

Company Details:	
Accreditation Number:	
Date of Accreditation and expiry:	
Accreditation Category: (eg A, B, C)	