

UPDATE SUMMARY

19 CHIEF ENGINEER WORKS

DESIGN SERVICES CONTRACT (AUSTRALIA)

OCTOBER 2022

1. TENDER DOCUMENTS

| Topic/Subject | Reference (if applicable) | Description |
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| Interpretation | Clause 2.1 | * Amendment to existing definition of "Strategic Interest Issue"; and * Deletion of definitions of "Australian Government Information Security Manual", "Australian Government Protective Security Policy Framework" and "Defence Security Principles Framework". |
| Shadow Economy Procurement Connected Policy | Clause 24 and Tender Schedule J – Statement of Tax Record | Amendments to update references to ‘Black Economy Procurement Policy’ to ‘Shadow Economy Procurement Policy’. |
| Defence Industry Security Program | Tender Form and Statutory Declaration, Item 6 | Amendment to remove the requirement for Tenderers to be "Defence-ready", and to require the successful Tenderer to obtain and thereafter maintain the level of DISP membership specified in the Contract Particulars (if any). |
| Financial Viability | Tender Form and Statutory Declaration, Item 7 | Amendment to include a new item 7 requesting the Tenderer to declare (subject to any disclosures) that it has the necessary financial viability to perform the Services and that is not subject any current or impending legal proceedings and dispute resolution processes. |
| Modern Slavery | Tender Form and Statutory Declaration, Item 8 | Amendment to include a new item 8 requesting the Tenderer to provide details of procedures or policies (if any) it has in place, or what it is doing or plans to do, to assess and manage the risks of modern slavery. |
| Payment Times Procurement Connected Policy | Tender Form and Statutory Declaration, Item 9 | Amendment to include a new item 9 requesting the Tenderer to identify whether or not it is a Reporting Entity for the purposes of the PT PCP. |
| Veteran Participation in the Carrying out of the Contractor’s Activities | Tender Form and Statutory Declaration, Item 10 | Amendment to include a new item 10 requesting the Tenderer to describe its approach to employing and engaging Australian veterans in connection with the delivery of the Services, whether directly or through the engagement of subcontractors. |
| Pandemic Adjustment Event | Tender Schedule H - Fee | Minor amendments to item (b) to reflect the amendments to the Conditions of Contract in respect of the Pandemic. |

1. CONTRACT

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| Pandemic Adjustment Event | Clause 1.14 and Contract Particulars | Minor amendments to the Pandemic Relief Event (now called Pandemic Adjustment Event) regime, to rename the regime and to clarify that the entitlement of the parties in respect of Pandemic Adjustment Events will be captured solely by this clause. |
| Defence Industry Security Program | Clauses 10.4, 13.12 and Contract Particulars | Amendments to the DISP requirements, including removing the requirement for the Consultant to be "Defence-ready" and to require the Consultant to obtain and thereafter maintain the level of DISP membership specified in the Contract Particulars (if any). Inclusion of certain acknowledgements by the Consultant and consequential amendments to clause 10.4 for failures to comply with the DISP requirements. |
| Shadow Economy Procurement Connected Policy | Clauses 13.11, 18.1 and Contract Particulars | Amendments to update references to ‘Black Economy Procurement Policy’ to ‘Shadow Economy Procurement Policy’. |
| Modern Slavery | Clause 13.13 | A new clause 13.13 has been inserted to require the Consultant to:   * take reasonable steps to identify, assess and address risks of Modern Slavery practices arising in connection with the Contract; * ensure the Consultant’s key people have undertaken suitable training to be able to identify and report Modern Slavery; and * if the Consultant becomes aware of Modern Slavery practices, the Consultant must notify the Contract Administrator and take all reasonable action to address to remove these practices. |
| Payment Times Procurement Connected Policy | Clause 18 and Contract Particulars | Inclusion of a new clause 18 to capture the operation of the PT PCP, which requires Reporting Entities:   * to pay PT PCP Subcontractors within 20 calendar days (and pay interest on unpaid amounts); * to include certain provisions in PT PCP Subcontracts; and * to include certain pass through obligations to be included in Reporting Entity Subcontracts,   and sets out a complaints/reporting regime on the operation of the same. |
| Glossary of Terms | Clause 19.1 and Contract Particulars | * Insertion of new definitions of "Information Security Requirements", "Pandemic Adjustment Event" (and deleting the definition of "Pandemic Relief Event"), "Security of Payment Legislation" and definitions required for the operation of the PT PCP; * Amendment to existing definition of "Sensitive and Classified Information", "Strategic Interest Issue" and "Statutory Requirements"; and * Deletion of definitions of "ASD Certified Cloud Services List", "Australian Government Information Security Manual", "Australian Government Personnel Security Management Protocol", "Australian Government Physical Security Management Protocol" and "Australian Government Protective Security Policy Framework". |

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