

UPDATE SUMMARY

Early contractor involvement Head Contract (International)

JUNE 2023

1. INVITATION TO REGISTER INTEREST

| Topic/Subject | Reference (if applicable) | Description |
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| Form of Contract | Clauses 1.2 and 15.1(e) | Amendments to reflect the publication of the Early Contractor Involvement Head Contract (International) (ECI HCI-2022) on DEQMS.  |
| Tender evaluation criteria | Clause 2(c)(iii) | Amendments to align with the updated ECI HCI-2022 Tender Documents evaluation criteria. |

1. TENDER DOCUMENTS

| Topic/Subject | Reference (if applicable) | Description |
| --- | --- | --- |
| Evaluation criteria - anti-bribery, corruption and modern slavery compliance | Clause 4(a)(v) | Amendment to the evaluation criterion in respect of anti-bribery, corruption and modern slavery compliance such that evaluation is "*Whether or not the Tenderer has demonstrated…*" (previously, "*The extent to which the Tenderer has demonstrated…*"). |

1. CONTRACT

| Topic/Subject | Reference (if applicable) | Description |
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| Related Body Corporate | Clause 1.1 | Amendments to the definition of a Related Body Corporate to include entities equivalent to a "related body corporate" as defined in section 9 of the Corporations Act 2001 (Cth) under any other Statutory Requirement. |
| Meetings and Reports Generally | Clause 3.11 (and corresponding Contract Particular) | Amendments to require that the Contractor complies with meeting and reporting obligations in the IPACE Infrastructure Program Plan dated March 2023. |
| Insurance | Clauses 1.1, 5.4, 5.5, 5.6, 5.9, 5.10 and 5.11 | Amendments to clarify insurance requirements, including in respect of Employers' Liability Insurance. |
| Environmental Clearance Certificate | Clause 8.3(d) | Amendments to provide that the Contractor must not commence to carry out any element of the Works or a Stage unless an Environmental Clearance Certificate has been issued in respect of the relevant element. Consequential amendments to the definitions of Delivery Phase Approval and Statutory Requirements.  |
| Subcontracting | Clause 8.5(f) | Amendments to require the provision of Subcontractor Deeds of Covenant or Subconsultant Deeds of Covenant from all subcontractors unless otherwise agreed in writing by the Contract Administrator. |
| Work Health and Safety | Clauses 1.1 and 8.17 | Amendments in respect of Work Health and Safety, including in respect of notifiable incidents. |
| Salvaged Materials | Clause 8.25 | Amendments to require the Contractor to provide written notice to the Contract Administrator on each occasion that the Contractor salvages materials, plant, equipment, fixtures or other things from the Site or the Works. |
| Payment | Clause 12.5 | Amendments to provide that the Commonwealth will pay the Contractor following the issue of a tax invoice by the Contractor to the Contract Administrator.  |
| Contractor's Entitlements after Termination for Force Majeure or Convenience by Commonwealth | Clause 14.8 | Amendments to remove the Contractor's entitlement to 2% of the unpaid portion of the Contract Price at the date of termination by the Commonwealth for Force Majeure or convenience. |
| Submission to Jurisdiction | Clause 15.16 | Amendments to include a submission to jurisdiction clause. |

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