

ATM ID: *[INSERT]*

PROJECT NO: *[INSERT]*

PROJECT NAME: *[INSERT]*

ECI SUBCONTRACT (ECISC-1 2024)

ADDENDUM NO. [##]

***[NOTE TO CONTRACTOR/CONTRACTOR'S REPRESENTATIVE (TO BE DELETED PRIOR TO THIS ADDENDUM BEING ISSUED): THE AMENDMENT TO THE SUBCONTRACT SET OUT IN THIS ADDENDUM IS REQUIRED BY COMMONWEALTH POLICY AND ACCORDINGLY MUST BE INCLUDED IN ALL PROCUREMENTS FROM 1 JULY 2024.***

***THIS ADDENDUM INCLUDES GUIDANCE NOTES AND PLACEHOLDERS FOR COMPLETION PRIOR TO ISSUE. CONTRACTOR/CONTRACTOR'S REPRESENTATIVE TO CAREFULLY REVIEW AND UPDATE AS APPROPRIATE. SEEK LEGAL ADVICE IF REQUIRED]***

To: All Tenderers

You are advised of the following amendment to the Subcontract:

1. ***[NOTE TO CONTRACTOR/CONTRACTOR'S REPRESENTATIVE (TO BE DELETED PRIOR TO THIS ADDENDUM BEING ISSUED): THIS NEW CLAUSE SHOULD BE INCLUDED AS THE LAST CLAUSE IN THE CONDITIONS OF SUBCONTRACT. THE CLAUSE REFERENCES IN SQUARE BRACKETS AND YELLOW HIGHLIGHT SHOULD BE UPDATED ACCORDINGLY]*** In the **Conditions of Subcontract**, **insert** a new clause [##] as follows:

***[##] COMPLIANCE WITH THE COMMONWEALTH SUPPLIER CODE OF CONDUCT***

* + 1. For the purposes of this clause [##], **Code** means the Commonwealth Supplier Code of Conduct dated 1 July 2024, available at https://www.finance.gov.au/government/procurement/commonwealth-supplier-code-conduct/commonwealth-supplier-code-conduct, as amended from time to time.
    2. The Subcontractor must comply with, and ensure that its officers, employees, agents and subsubcontractors comply with, the Code in connection with the performance of the Subcontract.
    3. The Subcontractor must:
       1. periodically monitor and assess its, and its officers’, employees’, and agents’ compliance with the Code; and
       2. on request from the Contractor's Representative, promptly provide information regarding:
          1. the policies, frameworks, or systems it has established to monitor and assess compliance with the Code; and
          2. the Subcontractor's compliance with paragraph (b).
    4. The Subcontractor must immediately notify the Contractor's Representative in writing upon becoming aware of any breach of paragraph (b). The notice must include a summary of the breach, the date that the breach occurred and details of the personnel involved.
    5. Where the Contractor's Representative identifies a possible breach of paragraph (b), it may notify the Subcontractor in writing, and the Subcontractor must, within three days of receiving the notice, either:
       1. where the Subcontractor considers a breach has not occurred - advise the Contractor's Representative that there has not been a breach and provide information supporting that determination; or
       2. where the Subcontractor considers that a breach has occurred - notify the Contractor's Representative under paragraph (d) and otherwise comply with its obligations under this clause [##].
    6. Notwithstanding paragraph (e), the Contractor's Representative may notify the Subcontractor in writing that it considers that the Subcontractor has breached paragraph (b), in which case the Subcontractor must notify the Contractor's Representative in writing under paragraph (d) and otherwise comply with its obligations under this clause [##].
    7. A failure by the Subcontractor to comply with its obligations under any part of this clause will be a breach of the Subcontract.
    8. Nothing in this clause or the Code limits, reduces or derogates from the Subcontractor's other obligations under the Subcontract. The Contractor's rights under this clause are in addition to and do not otherwise limit any other rights the Contractor may have under the Subcontract. The performance by the Subcontractor of its obligations under this clause will be at no additional cost to the Contractor.
    9. The Subcontractor acknowledges and agrees that the Subcontractor's compliance with the Code may be taken into account in any registration of interest process, tender process or similar procurement process in connection with any other Commonwealth project.

Please acknowledge receipt of this Addendum.

Dated: [##]

Signed: