

ATM ID: *[INSERT]*

PROJECT NO: *[INSERT]*

PROJECT NAME: *[INSERT]*

request for quotation / SHORT FORM MAINTENANCE SERVICES CONTRACT (INTERNATIONAL)

ADDENDUM NO. [##]

***[NOTE TO DEFENCE (TO BE DELETED PRIOR TO THIS ADDENDUM BEING ISSUED): THE AMENDMENT 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. DEFENCE TO CAREFULLY REVIEW AND UPDATE AS APPROPRIATE. SEEK LEGAL ADVICE IF REQUIRED]***

To: All contractors

Pursuant to clause 4(c)(i) of the RFQ Conditions, contractors are advised of the following amendment to the Request for Quotation / Short Form Maintenance Services Contract (International):

1. ***[NOTE TO DEFENCE (TO BE DELETED PRIOR TO THIS ADDENDUM BEING ISSUED): THIS NEW CLAUSE SHOULD BE INCLUDED AS THE LAST CLAUSE IN THE CONTRACT CONDITIONS. THE CLAUSE REFERENCES IN SQUARE BRACKETS AND YELLOW HIGHLIGHT SHOULD BE UPDATED ACCORDINGLY]*** In the Contract Conditions, 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 Contractor must comply with, and ensure that its officers, employees, agents and subcontractors comply with, the Code in connection with the performance of the Contract.
    3. The Contractor must:
       1. periodically monitor and assess its, and its officers’, employees’, and agents’ compliance with the Code; and
       2. on request from the Commonwealth, promptly provide information regarding:
          1. the policies, frameworks, or systems it has established to monitor and assess compliance with the Code; and
          2. the Contractor's compliance with paragraph (b).
    4. The Contractor must immediately notify the Commonwealth 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 Commonwealth identifies a possible breach of paragraph (b), it may notify the Contractor in writing, and the Contractor must, within three days of receiving the notice, either:
       1. where the Contractor considers a breach has not occurred - advise the Commonwealth that there has not been a breach and provide information supporting that determination; or
       2. where the Contractor considers that a breach has occurred - notify the Commonwealth under paragraph (d) and otherwise comply with its obligations under this clause [##].
    6. Notwithstanding paragraph (e), the Commonwealth may notify the Contractor in writing that it considers that the Contractor has breached paragraph (b), in which case the Contractor must notify the Commonwealth in writing under paragraph (d) and otherwise comply with its obligations under this clause [##].
    7. A failure by the Contractor to comply with its obligations under any part of this clause will be a breach of the Contract.
    8. Nothing in this clause or the Code limits, reduces or derogates from the Contractor's other obligations under the Contract. The Commonwealth's rights under this clause are in addition to and do not otherwise limit any other rights the Commonwealth may have under the Contract. The performance by the Contractor of its obligations under this clause will be at no additional cost to the Commonwealth.
    9. The Contractor acknowledges and agrees that the Commonwealth may take the Contractor's compliance with the Code 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:

On behalf of the Commonwealth