

ATM ID: *[INSERT]*

PROJECT NO: *[INSERT]*

PROJECT NAME: *[INSERT]*

MEDIUM WORKS SUBCONTRACT (MESC-1 2021)

ADDENDUM NO. [##]

***[NOTE TO CONTRACTOR/CONTRACTOR'S REPRESENTATIVE (TO BE DELETED PRIOR TO THIS ADDENDUM BEING ISSUED): THE AMENDMENTS TO THE SUBCONTRACT SET OUT IN THIS ADDENDUM ARE REQUIRED BY COMMONWEALTH POLICY AND ACCORDINGLY MUST BE INCLUDED IN ALL PROCUREMENTS WHICH CLOSE ON OR AFTER 1 OCTOBER 2024.***

***CONTRACTOR/CONTRACTOR'S REPRESENTATIVE TO CAREFULLY REVIEW AND SEEK LEGAL ADVICE IF REQUIRED]***

To: All Tenderers

You are advised of the following amendments to the Subcontract:

1. Delete clause 18.16 of the Conditions of Subcontract in its entirety and replace it with the following:

“*18.16 Shadow Economy Procurement Connected Policy*

*(a) Clause 18.16 does apply unless the Subcontract Particulars state that it does not apply.*

*(b) The Subcontractor:*

*(i) warrants that at the Award Date it holds all valid and satisfactory STRs required for its entity type* *in accordance with the requirements of the Shadow Economy Procurement Connected Policy;*

*(ii) must hold all valid and satisfactory STRs required for its entity type in accordance with the requirements of the Shadow Economy Procurement Connected Policy at all times during the Subcontractor's Activities and the Subcontract Works and, on request by the Contractor’s Representative, provide to the Contractor’s Representative a copy of any such STR; and*

*(iii) acknowledges and agrees that a failure by the Subcontractor to comply with its obligations under subparagraph (i) or (ii) will be a breach of the Subcontract.*

*(c) The Subcontractor must obtain and hold additional STRs in the circumstances set out in the table below within 10 business days of the Subcontractor becoming aware of the circumstances arising:*

|  |  |
| --- | --- |
| ***If the Subcontractor is:*** | ***Additional STRs required:*** |
| *a. a partner acting for and on behalf of a partnership* | *a satisfactory and valid STR in respect of any additional partner that becomes directly involved in the delivery of the Subcontract.* |
| *b. a trustee acting in its capacity as trustee of an Australian or foreign trust* | *a satisfactory and valid STR in respect of any new trustee appointed to the trust.* |
| *c. a joint venture participant* | *a satisfactory and valid STR in respect of:*  *(i) any new participant in the joint venture; and*  *(ii) any new joint venture operator if the new operator is not already a participant in the joint venture.* |
| *d. a member or head company of a Consolidated Group* | *a satisfactory and valid STR in respect of any new head company of the Consolidated Group.* |
| *e. a member of a GST Group* | *a satisfactory and valid STR in respect of any new representative for the GST Group.* |

*(d) The Subcontractor must provide the Contractor with copies of the STRs referred to in paragraph (c) within 5 business days after a written request by the Contractor.*

*(e) For the purposes of the Subcontract, an STR is taken to be:*

*(i)* ***satisfactory*** *if the STR states that the entity has met the conditions, as set out in the Shadow Economy Procurement Connected Policy, of having a satisfactory engagement with the Australian tax system; and*

*(ii)* ***valid*** *if the STR has not expired as at the date on which the STR is required to be provided or held.*”

1. In the definition of “Shadow Economy Procurement Connected Policy” in clause 24.1 of the Conditions of Subcontract, delete the words “*March 2019*” and replace them with the words “*October 2024*”.

Please acknowledge receipt of this Addendum.

Dated: [##]

Signed: