

**Defence Infrastructure Panel - Environment, Heritage and Estate Engineering 2020 - 2027**

**Template Request for Proposal Amendments - Indigenous Procurement Policy - High Value Contract**

***This template should be used if the Services or Remediation Works being procured under the Defence Infrastructure Panel: Environment, Heritage and Estate Engineering 2020 - 2027 involve a High Value Contract (being Engagements valued at $7.5 million (GST inclusive)). Each item in this document should be included in the Request for Proposal, with the items in square brackets selected according to the relevant Request for Proposal being utilised.***

**Insert** the following words in item 9 (Evaluation Criteria) of the Request for Proposal as an additional evaluation criterion:

**Indigenous Procurement Policy (No weighting, the proposal will be evaluated with reference to whether value for money has been demonstrated)**

The extent to which the Panel Consultant has demonstrated its commitment to increasing Indigenous participation, noting that the type of information the Commonwealth is seeking is outlined in ***[IF USING THE REQUEST FOR PROPOSAL - GENERAL OR REQUEST FOR PROPOSAL - GENERAL - SIMPLE - Annexure F / IF USING THE REQUEST FOR PROPOSAL - GENERAL REMEDIATION OR REQUEST FOR PROPOSAL - SIMPLE REMEDIATION - Annexure G]*** - Indigenous Procurement Policy.

**Insert** a new ***[IF USING THE REQUEST FOR PROPOSAL - GENERAL, REQUEST FOR PROPOSAL - GENERAL - SIMPLE OR THE REQUEST FOR PROPOSAL - GENERAL REMEDIATION - paragraph 5 / IF USING THE REQUEST FOR PROPOSAL - SIMPLE REMEDIATION - paragraph 4]*** in item 10 (Conforming Proposal Requirements) of the Request for Proposal as follows:

5. Lodge an Indigenous Participation Plan (refer to ***[IF USING THE REQUEST FOR PROPOSAL - GENERAL OR REQUEST FOR PROPOSAL - GENERAL - SIMPLE - Annexure F / IF USING THE REQUEST FOR PROPOSAL - GENERAL REMEDIATION OR REQUEST FOR PROPOSAL - SIMPLE REMEDIATION - Annexure G]*** to the RFP).

**Delete** the second paragraph in item 11 (Non-Conforming Proposals) of the Request for Proposal and **replace** it with the following:

A proposal that is not lodged in accordance with paragraphs 2, 3 and ***[IF USING THE REQUEST FOR PROPOSAL - GENERAL, REQUEST FOR PROPOSAL - GENERAL - SIMPLE OR THE REQUEST FOR PROPOSAL - GENERAL REMEDIATION - 5 / IF USING THE REQUEST FOR PROPOSAL - SIMPLE REMEDIATION - 4]*** of item 10 will be non-conforming and will not be evaluated unless the Commonwealth considers (in its absolute discretion) that the non-conformance was an unintentional error and seeks, reviews and accepts a correction to this error.

**Insert** an additional row in the Draft Official Order immediately above the row titled "Signature of Commonwealth Authorised Officer:":

|  |  |
| --- | --- |
| **Indigenous Participation Plan:** | *To be completed following selection of successful Panel Consultant* |

**Insert** the following as a new ***[IF USING THE REQUEST FOR PROPOSAL - GENERAL OR REQUEST FOR PROPOSAL - GENERAL - SIMPLE - Annexure F / IF USING THE REQUEST FOR PROPOSAL - GENERAL REMEDIATION OR REQUEST FOR PROPOSAL - SIMPLE REMEDIATION - Annexure G]*** to the Request for Proposal:

***[IF USING THE REQUEST FOR PROPOSAL - GENERAL OR REQUEST FOR PROPOSAL - GENERAL - SIMPLE - Annexure F / IF USING THE REQUEST FOR PROPOSAL - GENERAL REMEDIATION OR REQUEST FOR PROPOSAL - SIMPLE REMEDIATION - Annexure G]* - Indigenous Procurement Policy**

* 1. The Panel Consultant's attention is drawn to the Indigenous Procurement Policy (including the mandatory minimum requirements for the Indigenous Procurement Policy) available on the Indigenous Procurement Website at www.niaa.gov.au/indigenous-affairs/economic-development/indigenous-procurement-policy-ipp. The purpose of the Indigenous Procurement Policy is to stimulate Indigenous entrepreneurship and business development and provide Indigenous Australians with more opportunities to participate in the economy.

The Panel Consultant is required to complete and submit Attachment 1 to this ***[IF USING THE REQUEST FOR PROPOSAL - GENERAL OR REQUEST FOR PROPOSAL - GENERAL - SIMPLE - Annexure F / IF USING THE REQUEST FOR PROPOSAL - GENERAL REMEDIATION OR REQUEST FOR PROPOSAL - SIMPLE REMEDIATION - Annexure G]***.

* 1. ***[INSERT IF JOINT BID PROPOSALS ARE PERMITTED FOR THIS RFP:]*** If the Panel Consultant wishes to lodge its proposal on a Joint Bid Basis, it is requested to provide any information in this ***[IF USING THE REQUEST FOR PROPOSAL - GENERAL OR REQUEST FOR PROPOSAL - GENERAL - SIMPLE - Annexure F / IF USING THE REQUEST FOR PROPOSAL - GENERAL REMEDIATION OR REQUEST FOR PROPOSAL - SIMPLE REMEDIATION - Annexure G]*** which it considers relevant to proposed joint bid arrangements (as applicable).

Attachment 1 to *[IF USING THE* *REQUEST FOR PROPOSAL - GENERAL OR REQUEST FOR PROPOSAL - GENERAL - SIMPLE - Annexure F / IF USING* *THE REQUEST FOR PROPOSAL - GENERAL REMEDIATION OR REQUEST FOR PROPOSAL - SIMPLE REMEDIATION - Annexure G]* - Indigenous Procurement Policy

**[THE** [**PANEL**](#tenderer) **CONSULTANT SHOULD NOTE THAT THIS IS A CONFORMING PROPOSAL REQUIREMENT FOR ITS PROPOSAL IN RESPONSE TO THE REQUEST FOR PROPOSAL. IF THE PANEL CONSULTANT WISHES TO LODGE ITS PROPOSAL ON A JOINT BID BASIS, IT MUST COMPLETE AND LODGE THE INFORMATION IN THIS ATTACHMENT FOR EACH JOINT BID PARTY (AS APPLICABLE)]**

A DECLARATION OF COMPLIANCE

Declaration of Compliance with the [Indigenous Procurement Policy](#IndigenousProcurementPolicy)

***[INSERT PROJECT IDENTIFIER NUMBER, PROJECT NAME AND SERVICE CATEGORY]***

**[INSERT NAME OF PANEL CONSULTANT, ABN AND ACN, AS APPLICABLE]** (**Panel Consultant**)

The Panel Consultant declares the following:

1. the Panel Consultant has or has had **[INSERT NUMBER/NIL]** contracts with the Commonwealth which included the mandatory minimum requirements for the Indigenous Procurement Policy;
2. with respect to the contracts identified under paragraph 1, the Panel Consultant has **[FULLY MET/PARTIALLY MET/NOT MET/NOT APPLICABLE AS NIL CONTRACTS UNDERTAKEN]** the mandatory minimum requirements for the Indigenous Procurement Policy; **[and]**
3. the Indigenous Enterprises referred to in the Indigenous Participation Plan in item B below are 50% or more Indigenous owned; **[and]**
4. **[IF THE PANEL CONSULTANT IS AN INCORPORATED JOINT VENTURE, IF THE JOINT VENTURE IS AT LEAST 25% INDIGENOUS OWNED, INSERT: the Panel Consultant is a joint venture that is 25% or more Indigenous owned.]**

**[INSERT DATE]**

|  |  |  |  |
| --- | --- | --- | --- |
| **Declared and signed** for and on behalf of **[INSERT NAME]** by its authorised signatory in the presence of: |  |  |  |
|  |  |  |  |
| Signature of witness |  |  | Signature of authorised signatory |
|  |  |  |  |
| Full name of witness |  |  | Full name of authorised signatory |

B INDIGENOUS PARTICIPATION PLAN

The Panel Consultant's attention is drawn to the definition of Indigenous Participation Plan under clause 1.1 of the Terms of Engagement.

For the purpose of the mandatory minimum requirements for the Indigenous Procurement Policy, the Panel Consultant should assume that the "Initial Term" is the period from the Award Date to the completion of the Services.

The Panel Consultant should also note that:

* + 1. the Indigenous Participation Plan should be prepared in accordance with the form and contain the content set out below;
    2. subject to paragraph (c), the Indigenous Participation Plan lodged by the successful Panel Consultant will become the Indigenous Participation Plan for the purpose of clause 1.1 and clause ***[IF USING SECTION 4A TERMS OF ENGAGEMENT - 13.2 / IF USING SECTION 4B TERMS OF ENGAGEMENT - 17.2]*** of the Terms of Engagement; and
    3. the Commonwealth reserves the right to negotiate the Indigenous Participation Plan lodged by the Panel Consultant with a view to amending the Indigenous Participation Plan before entering into any Contract with the successful Panel Consultant.

Indigenous Participation Plan

***[INSERT PROJECT IDENTIFIER NUMBER, PROJECT NAME AND SERVICE CATEGORY]***

**[INSERT NAME OF PANEL CONSULTANT, ABN AND ACN, AS APPLICABLE]** (**Panel Consultant**)

1. We are committed to Indigenous participation and our approach to delivering Indigenous employment and Indigenous supplier use outcomes is as follows:

[**INSERT DETAILS**]; and

1. We will meet the mandatory minimum requirements for the Indigenous Procurement Policy:

**❑ AT THE CONTRACT-BASED LEVEL** as follows:

* + 1. at least **[INSERT]**% of our full time equivalent Australian-based workforce deployed in the Servicesmust be Indigenous Australians over the Initial Term (on average); and
    2. at least **[INSERT]**% of the Feewill be subcontracted to Indigenous Enterprises over the Initial Term (on average).

**OR**

**❑ AT THE ORGANISATION-BASED LEVEL** as follows:

* + 1. at least **[INSERT]**% of our full time equivalent Australian-based workforce must be Indigenous Australians over the Initial Term (on average); and
    2. at least **[INSERT]**% of the value of our Australian supply chain will be subcontracted to Indigenous Enterprises over the Initial Term (on average).

1. To meet the mandatory minimum requirements for the Indigenous Procurement Policy, we will undertake the following:

[**INSERT DETAILS, INCLUDING DETAILS OF CURRENT AUSTRALIAN-BASED WORKFORCE, SUPPLY CHAIN AND HOW THE PANEL CONSULTANT WILL MEET THE MANDATORY MINIMUM REQUIREMENTS AT EITHER THE CONTRACT-BASED LEVEL OR THE ORGANISATIONAL-BASED LEVEL. THE PANEL CONSULTANT SHOULD ENSURE THAT IT INCLUDES ITS APPROACH TO ACHIEVING THE MANDATORY MINIMUM REQUIREMENTS OVER THE INITIAL TERM (ON AVERAGE)**].

1. We will meet the mandatory minimum requirements for the Indigenous Procurement Policy:

**❑ DIRECTLY ❑ THROUGH SUBCONTRACTS**

as follows:

[**INSERT APPROACH TO MEETING MANDATORY MINIMUM REQUIREMENTS FOR THE INDIGENOUS PROCUREMENT POLICY DIRECTLY OR THROUGH SUBCONTRACTS**].

1. Our rate of Indigenous supplier use as at the Closing Date and Time is:

[**INSERT DETAILS**].

1. Our rate of Indigenous employment as at the Closing Date and Time is:

[**INSERT DETAILS**].

1. If the Serviceswill be delivered in a Remote Area (as defined in the Indigenous Procurement Policy), we will ensure the Servicesdeliver significant Indigenous employment and Indigenous supplier use outcomes in the Remote Area as follows:

[**INSERT DETAILS**].

C PAST PERFORMANCE

The Panel Consultant must lodge details of its past performance in increasing Indigenous participation, including, where relevant, compliance with:

* + 1. any Indigenous Participation Plan as follows:

[**INSERT DETAILS**]; and

* + 1. without limiting the Declaration of Compliance in item A above, the mandatory minimum requirements for the Indigenous Procurement Policy as follows:

[**INSERT DETAILS**].