CONTRACT WORKS REGISTRATION OF INTEREST (ROI) TEMPLATE

INSTRUCTIONS

This template is to be used for the first stage of a two stage open Tender (open Registration of Interest (ROI) followed by a closed RFT to short-listed Tenderers) for the procurement of Contract Works with a value of $100,000 or more.

The template is for use with:

* Medium Works Contract ($50,000-$500,000)
* Major Works Contract NZS3910:2013 ($500,000 or more).

Key to highlighting:

* Green: Instructions and guidance
* Yellow: Content to be inserted by the Procurement Officer
* Blue: Responses to be inserted by the Tenderer

In this template, the buyer (the Ministry or School Board of Trustees) is referred to as “the Principal” which is the legal entity that enters into a contract (not to be confused with the “school principal”).

Contractors that have submitted a Registration or may submit a Registration are referred to as “Tenderers”.

When identifying the name of the school in the Procurement title, follow this with (the School). The specified school may then be referred to as “the School” throughout the ROI.

**Content in the ROI must be consistent with the relevant approved Procurement Plan.**

Prior to publication:

1. delete all unused optional content
2. ensure all [green] and [yellow] highlighting has been removed
3. update the Contents table:
	1. right click on contents table
	2. select “Update table”
	3. select “Update entire table”
	4. click “OK”
4. delete the Instructions page (this page)
5. save separate Word document versions of:

Section 4 Form of Registration Part A (file name: Form of Registration Procurement Title at Name of School

Section 4 Form of Registration Part B (file name: Form of Registration Part B (file name: “Procurement Title at Name of School ROI”)

1. save the whole ROI document (including Section 4: Form of Registration Parts A & B) as a PDF document (file name: “Procurement Title at Name of School ROI”)

THIS INSTRUCTIONS PAGE AND ALL GREEN AND YELLOW HIGHLIGHTING MUST BE DELETED PRIOR TO SUBMITTING THIS DOCUMENT FOR ENDORSEMENT/APPROVAL/PUBLICATION

[The Ministry of Education[Or]The Board of Trustees for [Name of School]



(the Principal)

Registration of Interest (ROI)



[Nature of the Contract Works] for [Nature of the Project] at [Name of School] (the School)

[e.g. Main building contractor for the refurbishment of a four classroom block at Bugtown School (This is the “procurement title”)]

Reference Number (if available)

ROI released: [Date]

Deadline for Questions: [Time date]

Deadline for Tenders: [Time date]

## Contents

[SECTION 1: Key Information 4](#_Toc494198179)

[SECTION 2: The Requirement 7](#_Toc494198180)

[SECTION 3: Evaluation 10](#_Toc494198181)

[SECTION 4: Form of Registration Part A: Evaluation Criteria 12](#_Toc494198182)

[SECTION 5: Form of Registration Part B: General, Due Diligence and Declaration 16](#_Toc494198183)

# Key Information

## Context

* + 1. This Registration of Interest (ROI) is an invitation to suitably qualified contractors to submit a Tender for procurement title at Name of School.
		2. Words and phrases that have a special meaning are shown by the use of capitals. Definitions are in the RFx Process Terms and Conditions (see Section 1.6). Contractors that may or do submit a Registration in response to this ROI are referred to as Tenderers.
		3. It is intended that Tenderers shortlisted from this ROI will be invited to participate in a subsequent Request for Tender (RFT) however the Principal reserves the right to award a contract directly from the ROI.
		4. The proposed Contract is based on the Ministry of Education’s (The Ministry’s) [Medium Works Contract][OR][Major Works Contract (NZS3910:2013)].
		5. General background information on New Zealand’s school property portfolio is at: [Information for Suppliers.](https://education.govt.nz/school/property/state-schools/project-management/procurement/suppliers/)

## Indicative Timeline

* + 1. The indicative timeline for this ROI is:

|  |  |
| --- | --- |
| ROI released | [Date] |
| Deadline for Questions from Tenderers | [Date] |
| **Deadline for Registrations** | [**Time**] [**Date**] |
| Tenderers notified of shortlisting | [Date] |
| RFT released to short-listed Tenderers | [Date] |

* + 1. All dates and times are dates and times in New Zealand.
		2. The timeline may be subject to change via Tender Notification.

## Point of Contact

* + 1. The Point of Contact for this ROI is:

**Name: [Procurement Officer name]**

**Role: Procurement Officer**

* + 1. All enquiries in relation to this ROI must be directed to the Point of Contact through the GETS question/answer function. Requests for clarification and questions relating to developing a Registration must be made before the Deadline for Questions (Section 1.2a). All communications in relation to this ROI will be managed by the Point of Contact.
		2. By subscribing in GETS to the Tender Notice for this ROI, you will automatically be informed by email of all Tender Notifications for this ROI.
		3. Site visits are not available for this ROI and Tenderers must not access the School for any purposes related to this ROI. Site visits [will/will not] be available to Tenderers shortlisted for the subsequent RFT process.[Note: not allowing site visits may result in claims for unforeseen conditions]

## Developing your Registration

* + 1. Registrations for this ROI must include all the information requested in and be in the format and set out in the Form of Registration (Part A and Part B). Microsoft Word document versions of the Form of Registration (Part A and Part B) are included with the GETS Tender Notice for this ROI.
		2. Tenderers must complete and sign the Tenderer’s Declaration in the Form of Registration Part B.
		3. [Optional][Additional instructions e.g. limit on number of pages and font size, format for soft copies etc.]
		4. Registrations are limited in size to 100mb.

## Submitting your Tender

* + 1. Registrations must be submitted electronically through the GETS e-Tender box function. It is recommended that the uploading process be undertaken with sufficient time to allow the upload to complete before the Deadline for Registrations (particularly important for Registrations greater than 10mb).
		2. To submit a Tender through GETS:
1. be registered as a supplier in GETS
2. subscribe to the Tender Notice for this ROI
3. in the Tender Notice, click “Tender a Response”
4. complete the on-line form, attach your Registration and click “Commit” (Tenderers will receive an auto-generated email from GETS acknowledging receipt of the Registration).
	* 1. Registrations submitted other than through the GETS e-Tender function (e.g. hand delivered, post or fax) may be rejected as non-compliant.
		2. Tenderers must submit the Form of Registration (Parts A and B) as separate files clearly named:

**Tenderer Name- Procurement Title at Name of School** Form of Registration Part A).

**Tenderer Name- Procurement Title at Name of School** Form of Registration Part B).

## ROI Process Terms and Conditions

* + 1. This ROI is an open competitive tender process and is subject to the RFx Process Terms and Conditions at: [School Property Procurement RFx Process Terms and Conditions (Conditions of Tendering) 2020-3](https://education.govt.nz/assets/Documents/Primary-Secondary/Property/Procurement/School-Property-Procurement-RFx-Process-Terms-Conditions-Conditions-of-Tendering-2020-3.pdf)

## Later changes to the ROI or ROI process

* + 1. Following release of this ROI, any changes to the ROI document or ROI process or any additional information to be provided to Tenderers will be communicated through the GETS question/answer function or by issuing an Addendum to the ROI through GETS. By subscribing to the Tender Notice for this ROI, you will be automatically notified by auto-generated email of changes/additional information provided through the GETS question/answer function and/or by Addendum to the ROI.
		2. All answers communicated through the GETS question/answer function and all Addenda to the ROI form part of this ROI.

## Tender Documents

* + 1. Documents attached to the GETS Tender Notice for this ROI and which form part of this ROI (Tender Documents) are:
			1. ROI (pdf)
			2. Form of Registration Part A
			3. Form of Registration Part B
			4. [Other information (specify)].
		2. The order of priority of Tender Documents is stipulated in the Contract.

## Concerns and Complaints

* + 1. Any concern or complaint a Tenderer has in regard to this ROI must be raised with the Point of Contact (Section 1.3) in the first instance.
		2. If an issue or complaint that remains unresolved following best endeavours at resolution with the Point of Contact, the issue or complaint may be escalated by emailing the Ministry’s Education Infrastructure Service Procurement Team: EIS.Procurement@education.govt.nz (Email title: “Issue with Procurement Title at Name of School ROI – [GETS reference number]”.

# The Requirement

## Background

[Describe the project (of which this procurement is a part) in sufficient detail to provide a context for understanding the overall Scope of Works. This may include:

* The circumstances leading to the project
* Outcome sought
* Overview of the programme of which this project is a part
* Project consultants are:
* [e.g. Project Manager]: [name]
* [e.g. Quantity Surveyor]: [name]
* [e.g. Lead Designer]: [name]
* [Other (specify)]: [name]].

## Required solution (method and approach)

* + 1. The Contract Works required are [Describe the Contract Works in sufficient detail to provide Tenderers with a clear understanding of the capability and capacity required to satisfactorily deliver the Contract Works by the Due Date for Completion]:
			1. [nature of the Works (e.g. demolition, new build, redevelopment, roofing replacement]
			2. [size/scale]
			3. [description of the site including conditions, known constraints]
			4. [requirements for phasing and/or staged handover of the project]
			5. The Contractor will be engaged through a [Under $500,000][Medium Works Contract. No Contract related tags will be considered.][OR $500,000 or more][Major Works Contract. The Principal has a strong preference for RFT responses with no Contract related tags. If tags are raised, they will be considered on a case by case basis by the Principal as part of the RFT evaluation] ([Construction contracts for professional services and works](http://www.education.govt.nz/construction-contracts-for-professional-services-and-works/)). The Principal prefers there to be no drawings and specification related Tags. [Optional][Significant non-standard terms and conditions to the Contract are:
* [describe significant non-standard terms and conditions]].
	+ 1. Timeframes for the Contract Works are:
			1. [indicative/preferred/required] start date: [date]
			2. [indicative/preferred/required] [milestones] : [date]
			3. [indicative/preferred/required] Due Date for Completion: [date]
			4. [limitations (e.g. work to be completed during school holidays)].
		2. To satisfactorily deliver the Contract Works, the Contractor will be required to:
			1. have a comprehensive, workable programme for completing the Contract Works
			2. have a robust method, approach, systems and processes to effectively manage cost, time and quality risks
			3. operate a documented health and safety policy and safety system that aligns with AS/NZS 4801:2001 and the requirements set out at [Property projects: contractor health and safety.](http://www.education.govt.nz/property-contractor-health-and-safety/)
			4. implement a Site Specific Safety Plan (SSSP) that aligns with the SSSP at: [Property projects: contractor health and safety.](http://www.education.govt.nz/property-contractor-health-and-safety/)
		3. Contractor’s personnel (including those of all subcontractors) who are likely to have unsupervised (not chaperoned by a school staff member or parent) access to students at the School during normal school hours must be Police vetted (a review by the school Board of Trustees of a person’s criminal conviction and other relevant information held by the New Zealand Police Vetting Service). An adverse police vet may result in the vetted person being refused access to the School.
		4. [Include if the Contract Works include installation of ICT cabling]ICT network installations must be conducted by an installer from the [Ministry Approved ICT Cabling Installer List.xls](http://www.education.govt.nz/assets/Documents/Primary-Secondary/Property/Running-a-school/Approved-ICT-Contractors-List.xls) in compliance with the standards at: [ICT Cabling Infrastructure policy and standards for schools.](http://www.education.govt.nz/assets/Documents/School/Running-a-school/Technology-in-schools/technical-info/ICTCablingInfrastructurePolicyandStandardsforSchoolsv4.pdf)
		5. The Ministry will provide Contract Works Insurance for accidental loss and/or damage under the Proposed Contract. An Excess of $5,000 will apply to all Contracts, except $25,000 for loss arising from testing and commission (the supplier will be liable for the Excess). Further information is available at: [Insurance for school property projects.](http://www.education.govt.nz/insurance/)
		6. The Principal will be responsible for maintaining insurance for existing structures within the defined boundary of the site. Existing structures and relevant insurance policies will be identified in the Works Contract. The Contractor will be liable for paying any excess on such policies where it is responsible for damage to the existing structures.
		7. The Contractor will be required to maintain insurances as detailed in the Works Contract:
			1. a minimum of $2 million[or more if appropriate] Public Liability insurance
			2. a minimum of third party motor vehicle insurance for all vehicles to be used in delivering the Contract Works
			3. sufficient insurance for the plant and equipment used to complete the Contract Works.

## Capability (skills and expertise)

* + 1. The Contractor must have sufficient capability to satisfactorily deliver the Contract Works as evidenced by:
			1. relevant, recent experience (delivering Contract Works of a similar nature in a comparable setting)
			2. a good track record (supported by confirmation from referees and any other information the Principal may have or obtain).
		2. [Optional]The Contractor must nominate specific individuals (Key Personnel) for the following key roles:
			1. [e.g. Contract Representative]
			2. [e.g. Site Manager]
			3. [e.g. Site Foreman]
			4. [e.g. Quality Manager]
			5. [e.g. Health and Safety Manager]
		3. Key Personnel must have sufficient capability to enable the Contractor to satisfactorily deliver the Contract Works as evidenced by the Key Personnel having:
			1. relevant, recent experience
			2. a good track record (supported by confirmation from referees and any other information the Principal may obtain or have in its possession)
			3. [Optional]The following qualification/certification/accreditation/professional membership:
* [Specify the key role, the qualification/certification/accreditation/professional membership and whether it is required or preferred].
	+ 1. [Optional] The Contractor must confirm subcontracting arrangements for the following key trades:
			1. [Key Trade]
		2. Subcontractors for key trades must have sufficient capability and experience of working with the Tenderer to enable the Contractor to satisfactorily deliver the Contract Works.
		3. The Contractor must be capable in relation to health and safety as evidenced by accreditation to one of the following health and safety accreditations or to a comparable health and safety accreditation:
			1. AS/NZS 4801:2001 (Occupation Health and Safety Management Systems)
			2. One of the industry based health and safety accreditations listed at [Property projects: contractor health and safety](http://www.education.govt.nz/property-contractor-health-and-safety/).

## Capacity (resources and availability)

* + 1. The Contractor must have sufficient capacity to satisfactorily deliver the Contract Works by the Due Date for Completion as evidenced by:
			1. sufficiency and availability of organisational resources
			2. sufficiency and availability of Key Personnel
			3. [Optional]contingency: adequacy of the back-up resources (including for Key Personnel).

# Evaluation

## Evaluation method and criteria

Registrations will be evaluated using a weighted attribute model against the following criteria:

[Weightings must be as per approved procurement plan]

|  |  |
| --- | --- |
| Criterion | Weighting |
| Capability (skills and expertise)* For the Tenderer [and Key Personnel]:
* relevance and recentness of comparable experience
* quality of track record
* suitability of qualifications
* health and safety:
	+ accreditation
	+ experience operating a documented health and safety policy and system
 | [65%][(default) or:] [XX%] |
| Capacity (resources and availability)* Sufficiency of resources
* Availability of resources [and Key Personnel]:
* [Optional]Sufficiency of back-up resources (contingency)
 | [35%][(default) or:] [XX%] |
| TOTAL | 100% |

## Scoring

* + 1. Registrations will be scored for each criterion using the following scoring scale:

|  |  |  |
| --- | --- | --- |
| Rating | Definition | Score |
| **EXCELLENT**  | Exceeds the criterion to provide substantial additional benefit and/or reduction of risk | 9-10 |
| **GOOD** | Exceeds the criterion to provide some additional benefit and/or reduction of risk | 6-8 |
| **ACCEPTABLE** | Meets the criterion | 5 |
| **MINOR DEFICIENCY** | Does not meet the criterion due to minor deficiency or risk | 3-4 |
| **MAJOR DEFICIENCY** | Does not meet the criterion due to major deficiency or risk | 1-2 |
| **UNACCEPTABLE**  | Does not comply, insufficient information provided or unacceptable deficiency or risk | 0 |

* + 1. A Registration may be excluded from further evaluation/selection if it is scored four or less (deficient or unacceptable) for any evaluation criteria.
		2. A Registration evaluated as being unacceptable for health and safety will be scored four or less (deficient or unacceptable) for Capability and may be excluded from further evaluation/selection.

## Due diligence

Due diligence may be undertaken on one or more Registration/Tenderer and the results may be taken into account in the evaluation/selection process. Due diligence may include:

* + - 1. reference checks
			2. clarifications, interviews, and/or presentations
			3. Police vetting of personnel
			4. other checks (e.g. validity of proposal, financial, probity, legal).

# Form of Registration Part A: Evaluation Criteria

### [QUESTIONS IN THIS SECTION (4: FORM OF REGISTRATION) ARE SAMPLES ONLY AND MUST BE AMENDED/ADDED TO/DELETED TO SUIT THE REQUIREMENTS OF THE PROCUREMENT.]

### Procurement Title at Name of School Reference number (if applicable)

**PART A AND PART B OF THE FORM OF REGISTRATION MUST BE SUBMITTED AS SEPARATE DOCUMENTS**

|  |  |
| --- | --- |
| Tenderer’s Trading Name  | Click here to enter text. |

|  |  |
| --- | --- |
| 1. Capability (Skills and Expertise)
 | Weighting: [xx]%[as per para 3.1] |
| * 1. Provide an overview of your organisation’s capability including:
* a brief history including number of years of operating in the relevant market/region
* professional memberships/accreditations
 |
| [Answer] |
| * 1. Describe your organisation’s experience delivering Contract Works of a similar nature in a comparable setting and detail two recent examples including:
* a brief description of the project
* your organisation’s specific involvement
* customer name
* date
* location
 |
| [Answer] |
| * 1. Nominate specific personnel (Key Personnel) for each of the key roles listed in Section 2.3b and for each; append a CV (of no more than [number] x A4 pages) that includes:
* full name
* relevant qualifications/certifications/accreditations/membership of professional associations
* a brief overview of recent employment history including:
	+ - * + employers and locations
				+ dates employed
				+ roles and responsibilities
* a description of recent, comparable engagements that the nominated person has acted in the key role.
 |
| [List the key roles for which the Tenderer is required to nominate a Key Personnel as listed in Section 2.3b]* [e.g. Contract Representative]: [name of nominated person]
* [e.g. Site Manager]: [name of nominated person]
* [e.g. Site Foreman]: [name of nominated person]
* [e.g. Quality Manager]: [name of nominated person]
* [e.g. Health and Safety Manager]: [name of nominated person]

[Append a [number] x A4 page CV for each of the above nominated personnel] |
| * 1. List your nominated subcontractors for each of the key trades listed in Section 2.3c and for each, provide the following information:
* nominated subcontractor’s name
* contact person/telephone number
* relevant organisational experience
* key personnel and their relevant experience
* track record working with your organisation

Where a key trade is not to be subcontracted, state “In house”. |
| [List the key trades as detailed in Section 2.3c]* [Key trade 1]: [subcontractor information]
* [Key trade 2]: [subcontractor information]
 |
| * 1. Confirm your accreditation to one of the following or to a comparable health and safety accreditation:
* AS/NZS 4801:2001 (Occupation Health and Safety Management Systems)
* One of the industry standard health and safety accreditations listed at [Property projects: contractor health and safety](http://www.education.govt.nz/property-contractor-health-and-safety/).

If confirmed, specify which accreditation and append evidence to your tender. If not confirmed, provide an explanation. |
| [Confirmed: [specify which accreditation and append evidence] / Not Confirmed: [Explanation]] |
| * 1. Confirm that you operate a documented health and safety policy and system that aligns with AS/NZS 4801:2001 and the requirements set out at [Property projects: contractor health and safety.](http://www.education.govt.nz/property-contractor-health-and-safety/)

If confirmed, state how long your organisation has operated its health and safety policy and system. If not confirmed, provide an explanation. |
| [Confirmed: [state how long your health and safety policy and system has been in operation at your organisation] / Not Confirmed: [Explanation]] |

|  |  |
| --- | --- |
| 1. Capacity (Resources and Availability)
 | Weighting [xx]%[as per para 3.1] |
| * 1. Provide an overview of your organisation’s capacity including:
* structure and leadership (append an organisational chart)
* number of staff (e.g. employees, associates)
* offices and locations.
 |
| [Answer] |
| * 1. Outline your plan for ensuring that sufficient suitable personnel (including sub-contractors) will be available for satisfactory delivery of the Contract Works by the Due Date for Completion including:
* what resources will be assigned to carry out the Contract Works (numbers and whether employees or sub-contractors)
* local presence of the your resources
* any recruitment required to meet capacity requirements
* the scalability of resources
* potential resource constraints or circumstances that may affect capacity
* any other capacity related risks and how you intended to manage them
* back-up resource (contingency) planning.
 |
| [Answer] |
| * 1. Outline current/potential commitments to other engagements/projects that may affect your capacity including:
* start and end dates and percentage complete (current commitments)
* outstanding tenders including expected award date, approximate value and duration (potential commitments).
 |
| [Answer] |
| * 1. For each of the Key Personnel listed in Section 4.2.3, outline:
* their level of commitment (e.g. full time/part time) over the period of the Contract Works
* potential constraints or circumstances that may affect the capacity/availability of the Key Person (e.g. other engagements/contracts)
* your contingency plan for ensuring the availability of suitably qualified/experienced alternative personnel
 |
| [List the specific roles for which the Tenderer is required to nominate a Key Person (from Section 2.3b)]* [Key Role]
	+ - * + [name of nominated person]
				+ [level of commitment]
				+ [potential constraints]
				+ [contingency]
 |
| * 1. List specific plant and equipment required to deliver the Contract Works and detail:
* how you will obtain required plant and equipment (you own it, you will lease/hire it)
* how you intend to ensure that you will have it available when required
* any potential plant and equipment resource constraints or circumstances that may affect availability (e.g. other engagements)
 |
| [Answer] |

# Form of Registration Part B: General, Due Diligence and Declaration

**PART A AND PART B OF THE FORM OF REGISTRATION MUST BE SUBMITTED AS SEPARATE DOCUMENTS**

### Procurement Title at Name of School Reference number (if applicable)

|  |
| --- |
| Tenderer’s Details |
| Trading Name | The Tenderer |
| Full legal name (if different) | [Legal name] |
| Physical address | [Main or head office] |
| Postal address | [E.g. P.O Box address] |
| Registered office | [Registered office if applicable] |
| Business website | [URL] |
| Type of entity (legal status) | [E.g. sole trader/partnership/limited liability company] |
| Registration number | [Company registration number if applicable] |
| Country of residence | [Country where the Tenderer is resident for tax purposes] |
| GST registration number | [NZ GST number OR Overseas based] |

|  |
| --- |
| 1. Joint Venture / Consortium or similar arrangement (“N/A” if not applicable)
 |
| Type of arrangement | [Type of arrangement] |
| Participants | [Names of organisations participating in the arrangement] |
| Details | [Any other relevant information such as name of lead organisation, history] |

|  |
| --- |
| 1. Tenderer’s Contact Person
 |
| Contact person | [Full name of the person authorised to represent the Tenderer] |
| Title/position | [Title/position of the Tenderer’s contact person] |
| Telephone number | [Area code - number] |
| Mobile number | [Prefix – number] |
| Email address | [Email address] |

|  |
| --- |
| 1. Referees

Provide the details of two referees from recent customers for whom you have delivered comparable Contract Works.. Tenderers must ensure that the referees have agreed to be referees and are aware that they may be contacted by the Principal. By providing these contact details you authorise the Principal contacting these referees, collecting information about the Tenderer and using such information for the evaluation (including due diligence) of the Registration and any subsequent RFT. You also agree that information provided by referees will be confidential to the Principal. |
| Referee One |
| Organisation name | [Organisation name] |
| Contact name: | [Contact name] |
| Telephone | [Contact telephone number] |
| Email | [email address] |
| Referee Two |
| Organisation name | [Organisation name] |
| Contact name | [Contact name] |
| Telephone | [Contact telephone number] |
| Email | [email address] |

|  |
| --- |
| 1. Police Vetting
 |
| As per paragraph 2.2e, confirm that all personnel (including all sub-contractors) who are likely to have unsupervised access to students at the school during normal school hours agree to be Police vetted. If unable to confirm, provide an explanation.Note:* “Unsupervised” means not chaperoned by a school staff member or parent.
* A Police vet is a review by the School of a person’s criminal conviction and other relevant information held by the New Zealand Police Vetting Service.
 |
| [Confirmed / Not Confirmed: [Explanation]] |

|  |
| --- |
| 1. Insurance
 |
| * 1. Confirm that for the Contract Works, you agree to be insured for accidental loss and/or damage under the Ministry’s Contract Works Insurance (including an excess of $5,000 except for an excess of $25,000 for loss arising from testing and commissioning)([Insurance for school property projects](http://www.education.govt.nz/insurance/)). If unable to confirm, provide an explanation.
 |
| [Confirmed / Not Confirmed: [Explanation]] |
| * 1. Confirm that for the Contract Works, you agree to maintain a minimum of [$2 million][or more if appropriate] Public Liability insurance. If unable to confirm, provide an explanation.
 |
| [Confirmed / Not Confirmed: [Explanation]] |
| * 1. Confirm that you maintain a minimum of third party motor vehicle insurance for all vehicles to be used to deliver the Contract Works. If unable to confirm, provide an explanation.
 |
| [Confirmed / Not Confirmed: [Explanation]] |
| * 1. Confirm that you maintain sufficient insurance for all plant and equipment to be used to deliver the Contract Works. If unable to confirm, provide an explanation.
 |
| [Confirmed / Not Confirmed: [Explanation]] |

|  |
| --- |
| 1. Due Diligence

The Principal may undertake checks to assess the risk of entering into a Contract with a Tenderer. A Registration/Tenderer may be excluded from further evaluation or selection as preferred if the Principal determines that entering into a Contract with a Tenderer represents a significant risk to the Principal. In this section “the Tenderer” includes any joint venture/consortium participant as listed in Section 4.2. |
| * 1. Confirm that there are no events, matters or circumstances, actual, contemplated or threatened, that have or may represent a risk to the Principal or affect your ability to satisfactorily deliver the Contract Works including (but not limited to):
* actions of insolvency proceedings, bankruptcy, administration (voluntary or otherwise), statutory management, compulsory winding up, receivership or similar
* legal proceedings, investigation or the threat of investigation by any regulatory or investigative authority such as the Commerce Commission, Serious Fraud Office or the Financial Markets Authority
* structural/ownership changes (e.g. merger, sale, restructure)
* disputes (e.g. union dispute, legal dispute, court action)
* being declared a threat to national security or the confidentiality of sensitive government information
* being designated as a terrorist by New Zealand Police.

If unable to confirm, provide an explanation. |
| [Confirmed / Not Confirmed: [Explanation]] |
| * 1. Confirm that your organisation is not a “phoenix” organisation or similar (an organisation which has an association with (e.g. common directors/shareholders) or that is used to take on the business of a failed organisation or an organisation considered to have a poor reputation).

If unable to confirm, provide an explanation including the name of the organisation from which your organisation is a phoenix organisation. |
| [Confirmed / Not Confirmed: [Explanation]] |
| * 1. Confirm that no director, principal or Key Personnel of your organisation:
* is the subject of any legal proceedings, investigation or the threat of investigation by any regulatory or investigative authority such as the Commerce Commission, Serious Fraud Office or the Financial Markets Authority
* has been convicted of a criminal offence related to business or professional conduct
* has been declared to be bankrupt, in receivership or liquidation
* has made a false declaration
* has had a serious performance issue in relation to previous Contract Works
* has been convicted of professional misconduct or any serious crime or offence (or has any pending)
* has performed an act or omission which has adversely reflected on the commercial integrity of your organisation
* has failed to pay taxes, duties or other levies
* has been declared a threat to national security or the confidentiality of sensitive government information
* is a person or organisation designated as a terrorist by New Zealand Police.

If unable to confirm, provide an explanation.  |
| [Confirmed / Not Confirmed: [Explanation]] |

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| --- |
| 1. Conflicts of Interest
 |
| * 1. Confirm that you are not aware of any circumstance that may represent an actual, potential or perceived Conflict of Interest between your interests and your duties/responsibilities in delivering the Contract Works. If unable to confirm, provide an explanation.
 |
| [Confirmed / Not Confirmed: [Explanation]] |
| * 1. Confirm that you are not aware of any of the Principal’s personnel having any interest in, or association with your organisation that may give rise to any perceived, potential or actual Conflicts of Interest. If unable to confirm, provide an explanation.
 |
| [Confirmed / Not Confirmed: [Explanation]] |

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| 1. Assumptions
 |
| * 1. Confirm that your Registration is not based on any assumptions. If not confirmed, detail each assumption and its impact on provision of the Services.
 |
| [Confirmed / Not Confirmed: [Explanation]] |

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| 1. Tenderer’s Declaration
 |
| Item | Declaration | Declaration |
| RFx Process Terms and Conditions | I have read and fully understand this ROI including Contract Works RFx Process Terms and Conditions (Section 1.6) and related GETS questions/answers and Tender Notifications. I confirm that the Tenderer agrees to be bound by them. | [Agree/Disagree] |
| Collection of further information | I authorise the Principal to:1. collect relevant information about my organisation and Key Personnel, except commercially sensitive pricing information, from any relevant third party, including a referee, or previous or existing client
2. use such information in the evaluation of this Registration.

The Tenderer agrees that all such information will be confidential to the Principal. | [Agree/Disagree] |
| The Requirement | I understand the nature and extent of The Requirement (Section 2). I confirm that the Tenderer has the necessary capability and capacity to fully meet or exceed the Requirement (satisfactorily deliver the Contract Works by the Due Date for Completion). | [Agree/Disagree] |
| Ethics | In submitting this Registration, the Tenderer confirms that it: 1. has not entered into any improper, illegal, collusive or anti-competitive arrangements with any competitor
2. has not directly or indirectly approached any representative of the Principal (other than the Point of Contact) to lobby or solicit information in relation to this ROI
3. has not attempted to influence, or provide any form of personal inducement, reward or benefit to any representative of the Principal.
 | [Agree/Disagree] |
| Conflicts of Interest | All Conflicts of Interest that the Tenderer is aware of have been reported in the Conflict of Interest Section of the Form of Registration. Where a Conflict of Interest arises during the ROI process, the Tenderer will report it immediately to the Point of Contact. | [Agree/Disagree] |
| DECLARATIONI declare that in submitting this Registration and declaration:1. the information provided is true, accurate and complete and not misleading in any material respect
2. the registration does not contain intellectual property that will breach any third party’s rights
3. I have secured all appropriate authorisations to submit this Registration, to make the statements and to provide the information in the Registration and I am not aware of any impediments to entering into a Contract to deliver the Contract Works.
4. I understand that the falsification of information, supplying misleading information or the suppression of material information in the Registration and this declaration may result in the Registration being eliminated from further evaluation or selection and may be grounds for termination of any Contract awarded as a result of the ROI.

By signing this declaration, the signatory below confirms that he/she has been authorised by the Tenderer to make this declaration on its behalf. |
| Signature: | [Signature of the person authorised to represent the Tenderer] |
| Full name: | [Full name of the person authorised to represent the Tenderer] |
| Title/position: | [Title/position of the person authorised to represent the Tenderer] |
| Tenderer name:  | The Tenderer |
| Date: | [Date] |

|  |  |
| --- | --- |
| 1. Tenderer’s Checklist
 | ✓ |
| All Sections of the Form of Registration (Parts A and B) have been completed. | **☐** |
| Form of Registration Parts A and B are submitted as separate documents. | **☐** |
| The Tenderer’s Declaration has been completed and signed by the person authorised to represent the Tenderer | **☐** |
| Referees detailed in the Registration have agreed to be referees and are aware that they may be contacted by the Principal. | **☐** |
| The following documents are being submitted by the Tenderer: |
| Form of Registration Part A (completed) | **☐** |
| Form of Registration Part B (completed) | **☐** |
| CVs of Key Personnel | **☐** |
| Evidence of health and safety accreditation | **☐** |