1. EOI Response Forms

Respondents should ensure that their EOIs include, as a minimum, each of the EOI Response Forms attached to this Schedule 2.

Schedule 2 Attachment 1: Respondent's Details

Respondents should provide full responses in completing the following information to enable the High Court to clearly identify the entity responding to the REOI.

|  |
| --- |
| Full name of Respondent: |
| Trading or business name: |
| Respondent’s Contact who is authorised to represent and legally bind the Respondent (including name, address and other contact details): |
| If a company |
| The registered office: |
| The principal place of business: |
| The date and place of incorporation and the Australian Company Number: |
| Individual shareholders holding 20 per cent or more of any issued share capital: |
| Any related companies within the meaning of Section 50 of the Corporations Act 2001 (Cth): |
| If a trustee |
| Provide details of the relevant trust including a copy of the relevant trust deed (including any variations to that deed): |
| If a partnership |
| Provide details of the relevant partnership including a copy of the relevant partnership agreement: |
| Subcontractors |
| Please include a full explanation of any part of the financial services which the Respondent intends to subcontract to another entity, including the entity to which it intends to subcontract, the services the subcontractor would perform, any existing or past relationship between the subcontractor and any expertise or experience of the subcontractor. |

Schedule 2 Attachment 2: Respondent’s Deed

Respondents must complete the Respondent's Deed and include it in their EOI response. Amendments may only be made where necessary to complete the Deed.

## DEED POLL

Date: ^insert date^

By: ^insert full legal name of Respondent^ (Respondent)

## Context

Request for Expressions of Interest in relation to ^details^ (REOI).

## Interpretation

In this Deed, terms not otherwise defined have the meaning ascribed to them in the REOI.

## Compliance with REOI

The Respondent represents that it has read and understood, and that its EOI is submitted in accordance with, the REOI.

## Offer

The Respondent undertakes that it will continue to participate in the REOI process in accordance with the REOI and on the basis of its EOI.

Where the EOI includes alternative proposals each feasible combination of alternatives shall be deemed a separate, valid Offer, and the succeeding provisions of this Deed apply accordingly.

## Confidentiality

The Respondent will not, and will ensure that its employees, agents or subcontractors do not, either directly or indirectly record, divulge or communicate to any person any confidential information concerning the affairs of the High Court, the Commonwealth or a third party acquired or obtained in the course of preparing an EOI, or any documents, data or information provided by the High Court and which the High Court indicates to Respondents is confidential or which Respondents know or ought reasonably to know is confidential.

## Ethical Dealing

The Respondent represents that its EOI has been compiled without the improper assistance of any current or former the High Court officer, employee, contractor or agent and without the use of information obtained unlawfully or in breach of an obligation of confidentiality to the High Court.

The Respondent represents that it has not:

* + - * 1. engaged in misleading or deceptive conduct in relation to its EOI or the REOI process;
        2. engaged in any collusive Tendering, anti-competitive conduct, or any other unlawful or unethical conduct with any other Respondent, or any other person in connection with the preparation of their EOI or the REOI process;
        3. attempted to solicit information from or influence improperly any current or former officer, employee, contractor or agent of the High Court, or violate any applicable laws or Commonwealth policies regarding the offering of inducements in connection with the REOI process; or
        4. otherwise acted in an unethical or improper manner or contrary to any law.

## Conflict of Interest

The Respondent represents that, having made all reasonable enquiries the following represents its only known actual or potential conflicts of interest in respect of the REOI, its EOI or the provision of the ^Goods/Services^:

* + ^insert list or, where no conflict exists, write ‘none’^

The Respondent undertakes to advise the High Court in writing immediately upon becoming aware of any actual or potential conflicts of interest in respect of the REOI, its EOI or the provision of the ^Goods/Services^.

**Note to Respondents**: A conflict of interest means any matter, circumstance, interest, or activity affecting the Respondent (including the officers, employees, agents and subcontractors of the Respondent) which may or may appear to impair the ability of the Respondent to perform the contract diligently and independently.

A conflict of interest may exist if:

* the Respondent or any of its personnel have a relationship (whether professional, commercial or personal) with the High Court’s personnel involved in the evaluation of EOIs; or
* the Respondent has a relationship with, and obligations to, an organisation which would affect the performance of the contract or would bring disrepute to or embarrass the High Court.

If at any time prior to entering into the contract, an actual or potential conflict of interest concerning itself or a related entity arises or may arise for any Respondent, that Respondent should immediately notify the Contact Officer.

## Employee entitlements

The Respondent represents that, having made all reasonable enquiries, as at the date of this declaration, it is not subject to any judicial decisions or any resulting order relating to employee entitlements (not including decisions under appeal) which claims have not been paid.

## Compliance with Australian standards

The Respondent represents that it is able to meet any Australian standards applicable to the ^Goods/Services^.

## Workplace Gender Equality Requirements

The Respondent understands that it is obliged to indicate whether or not it is covered by the *Workplace Gender Equality Act 2012* (Cth) (the WGE Act). The Respondent is covered by the WGE Act if it is a ‘relevant employer’, defined as being a non-public sector employer (including higher education institutions, trade unions and not-for-profit organisations) of 100 or more employees in Australia. For information about the coverage of the WGE Act, contact the Workplace Gender Equality Agency on (02) 9432 7000.

**Note to Respondents:** Respondents must choose one of the following:

* + - * 1. The Respondent confirms that it is a relevant employer. The Respondent has attached a current letter of compliance as part of its response which indicates its compliance with the Workplace Gender Equality Act 2012.

OR

* + - * 1. The Respondent confirms that it is a relevant employer. If selected as the preferred or successful Respondent, the Respondent will upon request from the High Court provide a current letter of compliance prior to entering into any contract. The Respondent acknowledges that failure to provide a current letter of compliance when requested will result in it losing its status as the preferred or successful Respondent.

OR

* + - * 1. The Respondent confirms that it is not a relevant employer.

EXECUTED AS A DEED POLL for the benefit of the Commonwealth of Australia as represented by the High Court of Australia

Dated this of February 2020

|  |  |  |
| --- | --- | --- |
| SIGNED SEALED AND DELIVERED by ^insert name of Respondent^ by its duly authorised representative:  ^Name of signatory^ | )  )  ) | *Signature* |
| In the presence of:  ^Name of witness^ |  | Signature of witness |

Schedule 2 Attachment 3: Response against Evaluation Criteria

## Extent to which the proposed solution meets the requirements described in Schedule 1

Respondents should provide a full and detailed response to the Details of the Goods required including any information sought in the Details of the Goods Required.

## Respondents are also referred to the essential requirements set out in Schedule 1 Item 2.1 and the policies and standards in Schedule 1 Item 5.

Respondents should provide evidence of compliance with:

* + - 1. all applicable Australian standards, including those specified in Schedule 1Item 5.2; and
      2. evidence of compliance with relevant regulations and regulatory frameworks, including:
         1. labour regulations, including ethical employment practices;
         2. work health and safety; and
         3. environmental impacts.

## Level of expertise and track record at providing similar products/services, including experience of the Respondent’s personnel and proposed subcontractors

Respondents should provide information on their experience and personnel including:

* details of their past performance and experience in providing products/services similar to those required in the Details of the Goods or Services Required;
* details about all their personnel who would perform the services specified in the Details of the Goods or Services Required, including the skills, experience and qualifications of those personnel; and
* a list of, and contact details for, at least three recent clients of Respondents who are prepared to act as referees and a description of the services supplied by Respondents to each referee.

## Ability to manage the project

Respondents should demonstrate in sufficient detail how the requirements will be manufactured, stored and delivered to the Court including:

* details of the ability to manufacture 100% wool, heavy duty commercial, fine twist Wilton broadloom carpet in five different colours.
* details on where the manufactured carpet will be stored prior to delivery to the Court taking into regard the Court limited storage space on site for carpet rolls
* details on the delivery methodology and programming to meet the installation and storage limitations

## Indicative price, including the total cost to the High Court of implementing and supporting the Respondent’s proposal

Respondents should provide pricing information having regard to the requirements set out in paragraph 8.1.

Schedule 2 Attachment 4: Financial Viability

Respondents should complete the following questionnaire and provide sufficient information to enable the High Court to determine the financial viability of the Respondent. Respondents should provide explanations of areas not addressed or items not provided.

# Financial information

|  |  |  |
| --- | --- | --- |
|  | | **Attached** |
| Audited financial statements including a copy of the auditor’s statement | | Yes/No |
| Annual report | | Yes/No |
| Copy of certificate of currency for public liability insurance | | Yes/No |
| Copy of certificate of currency for workers compensation insurance | | Yes/No |
| Copy of certificate of currency for professional indemnity insurance | | Yes/No |
| Details of any petitions, claims, actions, judgements, or decisions, etc. Which is likely to adversely affect your performance of the contract. | | Yes/No |
| The operating entity is:  (*Please ~~strikethrough~~ non-applicable types*.) | Sole Trader Partnership Association Company Trust Government. | |
| The operating entity has been in business for:  (*Please ~~strikethrough~~ non-applicable periods*.) | Less than 12 months 1–2 years 2–4 years 4–6 years 6–8 years longer than 8 years. | |

### Financial statement summary – A$

|  |  |  |  |
| --- | --- | --- | --- |
| **Item** | **Year to date** | **Previous financial year** | **Next to previous financial year** |
| Operating income |  |  |  |
| Interest paid |  |  |  |
| Net operating income |  |  |  |
| Dividends / distributions / drawings paid |  |  |  |
| Cash at bank |  |  |  |
| Total current / financial assets |  |  |  |
| Total assets |  |  |  |
| Level of debt |  |  |  |
| Total current liabilities |  |  |  |
| Total liabilities |  |  |  |
| Total equity |  |  |  |