

# DEFENCE INFRASTRUCTURE PANEL - MAJOR CONSTRUCTION 2025 - 2030

## USER GUIDE - ENGAGEMENT PROCESS

1

### Expression of Interest (EOI) (Optional)

The Procurement Team determines the Panel Contractor(s) to whom an EOI will be issued.

Consideration of jurisdictional coverage must form part of this decision.

A Template EOI letter for all delivery method contract types can be found on the Panel delivery methods webpage.

A Panel Contractor not responding to an EOI will be deemed to be confirmation they do not intend to submit a tender.



### Project Team to Consider

- Each Panel Contractor is appointed in respect of specific jurisdictions and this is based on their demonstrated licensing compliance under the Panel for each jurisdiction. This must inform your selection of who to issue the EOI to.
- The EOI is not a procurement promise. It is only a communication approach to inform your procurement strategy.

2

### Disclaimer and Confidentiality Agreement (DCA)

The Procurement Team prepares and issues a DCA to the Panel Contractor(s) who have either responded to the EOI letter confirming their intention to tender or the Panel Contractor(s) that have been identified in your Procurement Plan.

The Panel Contractor(s) return a duly executed agreement.



### Project Team to Consider

- The Template Disclaimer and Confidentiality Agreement can be found on the Panel webpage.
- There is a single template Agreement for all delivery method contract types.
- The Request for Tender documentation must not be issued to any Panel Contractor until it has provided a duly executed DCA.

3

### Tender Documents

The Procurement Team prepares the Request for Tender documentation in accordance with the relevant delivery method contract template.

The Conditions of Contract to be inserted at Part 4 of the Panel Tender documents must be those Contract terms used under the current version of the Defence Suite of Facilities Contracts.

Please note the difference between the Tender Documents and Condition of Contract – they are separate products.



### Project Team to Consider

- Each delivery method has its own Tender Documents and these are found on the Panel Webpage.
- You CANNOT use the Defence Suite of Facilities Contracts Tender Documents templates.
- The Part 4 insertion into the Tender Document must however be the Conditions of Contract found at the relevant delivery method on the Defence Suite of Facilities Contracts Defence website page.

4

### Tendering Process

The Procurement Team undertakes the tender process in accordance with the Tender Conditions.

Each Panel Contractor who receives a Request for Tender must provide a Tender submission that complies with any conforming Tender requirements specified in the Tender Documents.

The Tender Evaluation must be in line with the PDDP Part 2 (or approved procurement and evaluation plan) and will not be any different to a standard evaluation approach.



### Project Team to Consider

- Tender requirements, including conformance/minimum form and content requirements are found in the Tender Conditions.
- The Panel approach does not drive any deviation from a standard tender and evaluation approach.



## Summary of Difference between using the Defence Infrastructure Panel Major Construction (DIP-MC) and the Defence Suite of facilities Contracts (Suite)


### Overview

There are a number of efficiencies achieved by using the panel versus a standard construction activity. This summary provides a high-level overview of such efficiencies.

### Disclaimer and Confidentiality Agreement

The DIP-MC template Disclaimer and Confidentiality Agreement is based on the equivalent Agreement forming part of the CFI Suite of Facilities Contracts. It references however those obligations at the Panel level.


#### Amendments have been made to:

- 
- Remove the reference to the *Government Procurement (Judicial Review) Act 2018* as all DIP-MC procurements will not be a 'covered procurement' for the purposes of this Act.
  - Link defined terms to the Panel Conditions, resulting in the removal of a number of definitions.
  - Remove Attachment 1 in relation to Information Security - such information was requested in the Panel Tender documentation.

### Tender Documents

The Tender documents for a DIP MC procurement require the use of a specific Panel template. Users **must not** use the Suite Tender Conditions as they have not been amended to reflect a Panel engagement, do not link back to the Panel Deed and do not reflect the efficiencies of a Panel engagement.

#### Amendments have been made to:

- 
- Link defined terms to the Panel Conditions, resulting in the removal of a number of definitions.
  - Remove references to the Invitation to Register Interest as all DIP-MC engagements will be single staged procurements.
  - Remove the references and provisions relating to the *Government Procurement (Judicial Review) Act 2018* as all DIP-MC procurements will not be a 'covered procurement' for the purposes of this Act.



### Amendments have been made to:



- Remove the following Tender Conditions and, if applicable, the corresponding Tender Particular, noting that where appropriate such details are addressed in the Panel Conditions:
  - Commonwealth Policies
  - Australian National Audit Office
  - Procurement Complaints
  - Freedom of Information
  - Privacy
  - Workplace Gender Equality
  - Employee Entitlements
  - WHS Accreditation Scheme
  - Statement of Tax Record
- The Joint Bid provisions to include an 'Option 1' where Joint Bids are permitted where all joint bid parties are Panel Contractors and have been invited to lodge a proposal for a specific procurement and an 'Option 2' where Joint Bids are not permitted for the Tender process.
- Local Industry Capability Plan has been amended to remove the reference to the \$7.5 million threshold, noting that all procurements under the Panel will exceed \$200 million.
- Removal of the '*Major Construction Project*' option (including the corresponding Tender Condition) in respect of the Australian Skills Guarantee Procurement Connected Policy as all DIP-MC procurements will be a 'Flagship Construction Project' as they will exceed \$200 million.
- Removal of the following items from the Tender Form as such information was requested from Tenderers in the Panel Tender documentation:
  - Workplace Gender Equality
  - Employee Entitlements
  - Modern Slavery
  - Country of Tax Residency Disclosure
- Removal of the following Tender Schedules and any corresponding evaluation criteria as the relevant information was requested from Tenderers during Panel establishment:
  - Tender Schedule C – Previous Performance.
  - Tender Schedule F – Commonwealth Procurement Rules.
  - Information Security.
  - Tender Schedule J – Statement of Tax Record.
  - Tender Schedule K – WHS Accreditation Scheme Accreditation.
- Removal of high level obligations in respect to having to provide detail on certified quality management systems as this is managed at the Panel Deed level. The DIP-MC however retains an option for the inclusion of a Project specific Quality Plan for the Project. This is turned on in the Tender documentation.

