> Funding entities and building contractors should incorporate the clauses below into all tender documentation (including expressions of interest) for both directly and indirectly funded projects:

1. The Tenderer's attention is drawn to the Building Code 2013 (Building Code) and the Supporting Guidelines to the Building Code 2013 (Supporting Guidelines). Copies of the Building Code and Supporting Guidelines are available at www.employment.gov.au/BuildingCode.

2. By submitting an expression of interest or tender to undertake the work/services you:

    a. will be deemed to have read; and

    agree that you must comply with the Building Code. Notwithstanding any other provisions of the Tender Documents, Tenderers hereby consent to the disclosure of information concerning compliance with the Building Code, including details of whether or not a sanction (see Section 8.2 of the Supporting Guidelines) has been imposed. This consent extends to disclosure by the Commonwealth, its agencies and ministers, and disclosure to others for the purposes of facilitating compliance with the Building Code and the exercise of their statutory and portfolio responsibilities. Tenderers must ensure that their proposed subcontractors and consultants are also aware of, and agree to comply with, these rights of use and disclosure.

3. Tenderers should be aware that the Building Code applies to:

    a. the project which is the subject of these Tender Documents; and

    b. all construction and building work undertaken by the Tenderer and its related entities (see section 8 of the Building Code) thereafter as defined in the Building Code, including work on all new privately funded construction projects in Australia.

4. Tenderers are required to comply with the Building Code. As part of their tender response, Tenderers must submit a signed "Declaration of Compliance" in accordance with the Declaration of Compliance which is attached to this Request for Tender.

5. Each Tenderer must indicate in its Tender response:

    a. whether the Tenderer or a related entity of the Tender has ever been subject to a sanction imposed under the Building Code and Supporting Guidelines;

    b. whether the Tenderer has had an adverse Court or Tribunal decision (not including decisions under appeal) for a breach of workplace relations law, work health and safety law, or workers' compensation law and the tenderer has not fully complied, or is not fully complying, with the order.

    c. whether the Tenderer has had any adverse court, tribunal, industrial relations commission or Fair work Australia finding, order or penalty awarded against them in the last two years (and if so provide details);

    d. how the Tenderer and its related entities have complied with the Building Code in the past (if the Tenderer has undertaken Australian Government funded construction work in the past);

    e. how the Tenderer intends to comply with the Building Code in performing the Contract, should it be the successful Tenderer; and

    f. where the Tenderer proposes to subcontract an element of the project, either:
        i) the information detailed in the above subclauses (a) and (b) in relation to each subcontractor, or
        ii) how the Tenderer intends to ensure each subcontractor complies with the Building Code.

    g. where the tenderer has an enterprise agreement made under the Fair Work Act on or after 1 February 2013, Australian Government agencies must require the tenderer to confirm, in their submission, that the agreement includes genuine dispute resolution procedures.

6. While acknowledging that value for money is the core principle underpinning decisions on Government procurement, tenderers should note that when assessing tenders, preference may be given to Tenders that demonstrate a commitment to:

    a. adding and/or retaining trainees and apprentices;

    b. increasing the participation of women in all aspects of the industry; or

    c. promoting employment and training opportunities for Indigenous Australians in regions where significant indigenous populations exist.