

# QuickStarts Queensland Round Two

Request for Detailed Proposal

Statement of Requirements

Submissions Closing 9.00am on 12 March 2024

*For Registered Community Housing Providers*

**Privacy Notice:** The Department of Housing is collecting personal information from the Proponent for the purpose of administering the QuickStarts Qld program. Personal information may be shared with other Queensland Government agencies and bodies, non-government organisations and other governments in Australia for any purpose in connection with the administration of the QuickStarts Qld program. Personal information may be made publicly available in accordance with the requirements of the [Queensland Procurement Policy 2023](#) and [Procurement guidelines: Contract disclosure](#).

## Contents

1. Background .....	4
1.1 Definitions .....	4
2. Queensland Housing Strategy 2017– 2027 .....	5
2.1 Social housing demand.....	5
2.2 Overview of QuickStarts Qld .....	6
3. QuickStarts Qld – Round Two .....	6
3.1 Request for Detailed Proposal overview .....	6
3.1.1 Local Government Authorises.....	7
3.1.2 Social Housing Accelerator Payment .....	7
3.2 Proposals.....	8
3.3 Target cohorts.....	8
3.4 Target regions.....	9
3.5 Submitting proposals .....	9
3.6 Terms and Conditions.....	10
4. New construction projects.....	10
4.1 New construction project proposals .....	10
4.2 What is required for new construction projects?.....	10
4.3 Submitting multiple projects .....	12
4.4 Funding for new construction projects.....	12
4.5 Out of scope for new construction projects .....	12
5. Purchase of new dwellings .....	13
5.1 What is required for purchase of new dwellings? .....	13
5.2 Funding contributions for purchases .....	14
5.3 Out of scope for new purchases.....	14
6. Building and Design Features.....	14
6.1 Town planning .....	14
6.2 Accessibility .....	15
6.2.1 Specialist Disability Accommodation.....	15
6.3 Urban Design.....	16

6.3.1	Sites out of scope for QSQ – Round Two .....	16
6.4	National Construction Code 2022 .....	16
7.	Request for Detailed Proposal Evaluation Criteria .....	17
7.1	Mandatory criteria .....	17
7.2	Evaluation criteria .....	17
7.3	Information required for the evaluation criteria .....	18
8.	Assessment.....	22
9.	Next Steps for Successful Projects.....	22
9.1	Contractual arrangements for Registered Community Housing Providers.....	22
9.1.1	Summary of Capital Funding Agreement terms.....	23
9.1.2	Master Agreement .....	25
10.	Appendix A: Links and resources .....	26
11.	Appendix B: Terms and Conditions.....	27
	Attachment 1: Capital Funding Agreement.....	36
	Attachment 2: Delivery Kit for Capital Grant Funded Construction Projects.....	37
	Attachment 3: Template Financier Tripartite Deed for third party financing arrangements...	38

# 1. Background

## 1.1 Definitions

The following definitions apply in relation to this RFDP:

Term	Definition
<b>Action Plan</b>	means the <i>Queensland Housing and Homelessness Action Plan 2021-2025</i> .
<b>Closing Date and Time</b>	means 9.00am on 12 March 2024.
<b>Department</b>	means the State of Queensland acting through the Department of Housing.
<b>Housing Strategy</b>	means the <i>Queensland Housing Strategy 2017–2027</i> .
<b>Proponent</b>	means an entity that submits a Proposal in response to this RFDP which includes a registered community housing provider (RCHP), an organisation becoming an RCHP, and an organisation partnering with an RCHP.
<b>Proposal</b>	means a Proposal submitted by a Proponent in response to this RFDP.
<b>QSQ</b>	means QuickStarts Qld, a key initiative of the Action Plan.
<b>RCHPs</b>	means registered community housing providers.
<b>RFDP</b>	means this Request for Detailed Proposals document.
<b>RFDP Process</b>	means the process undertaken by the Department seeking Proposals for QSQ – Round Two under this RFDP.
<b>SHAP</b>	means the Australian Government’s Social Housing Accelerator Payment.
<b>SHDG</b>	means the Social Housing Design Guidelines.
<b>Target Locations</b>	means the locations identified at Section 3.4.

## 2. Queensland Housing Strategy 2017–2027

Through the [Queensland Housing Strategy 2017–2027](#) (Housing Strategy), the Queensland Government is delivering more social and affordable homes for vulnerable Queenslanders and transforming housing and homelessness services across the state.

In June 2021, the Queensland Government launched the [Queensland Housing and Homelessness Action Plan 2021-2025](#) (the Action Plan), which continues to build on the vision of the Housing Strategy with a focus on boosting housing supply, moving towards ending homelessness, supporting vulnerable people and securing a fair and accessible housing system.

QuickStarts Qld (QSQ) is a capital investment program to accelerate planned acquisition, new construction, and redevelopment opportunities to deliver new social homes sooner.

The original commencement target for QSQ was 2765 social homes by 30 June 2025. As part of the 2023-24 State Budget, an additional \$322.2 million was provided boosting QSQ by an additional 500 homes, increasing the target to 3265 social housing commencements by 30 June 2025.

This increased QSQ target has been further elevated by an additional 600 social housing dwellings, made possible through \$398.3 million provided by the Australian Government under the Social Housing Accelerator Payment (SHAP).

This means the Action Plan is now supported by record investment of \$6 billion to support better long-term housing outcomes and move more vulnerable Queenslanders into safe, secure and affordable housing.

### 2.1 Social housing demand

QSQ enables the Queensland Government to tackle the challenge of increased demand for housing across the State through increased supply. It is an integrated development strategy, designed to support long term social housing outcomes for eligible households from the department's Housing Register.

Most existing households, and future applicants, require smaller dwellings (one and two-bedrooms), despite a large number of households currently living in a three-bedroom house. It is anticipated that future demand will continue to increase for smaller social housing dwellings (one and two-bedroom), some which will require accessibility features, and located with access to social infrastructure.

This approach may also allow smaller households in public housing to move into more suitable and accessible long term accommodation as they age, freeing up existing social housing for families or larger households.

Proposals submitted under QSQ – Round Two can nominate a mixture of dwelling types and target cohorts. This will be subject to department approval and will be driven by the housing demand reflected from the department's Housing Register.

## 2.2 Overview of QuickStarts Qld

QSQ is a whole of Queensland social housing capital program delivered through department-led projects and in partnership RCHPs, community organisations and Aboriginal and Torres Strait Islander councils. QSQ delivers housing supply through new construction, redevelopments, and purchase of existing dwellings, for eligible customers from the department's Housing Register.

Under Round One of QSQ, the Request for Detailed Proposal released on 28 October 2021, received over 150 proposals from 42 proponents. Over 110 of these projects have been contracted to date, totalling 1300 new social homes being commenced.

With the success of the QSQ – Round One, the Department is seeking to procure more social housing supply through this RFDP for QSQ – Round Two.

QSQ – Round Two is a pathway for Proponents to submit new proposals for social housing in the Target Locations.

Under this process, Proponents can apply for capital grant funding to deliver new housing supply across Queensland. As with QSQ – Round One, no support or services funding is available through QSQ – Round Two.

Proponents can bring forward new supply proposals from across the State, however, the proposals within the target regions located in section 3.4 of this RFDP will be prioritised. Project which have the ability to accelerate construction commencement will also be prioritised.

Projects suitable for QSQ – Round Two are those which can be contracted with the State before 30 June 2025, and where construction can be accelerated to ensure project completion by 30 June 2027. If your proposal is not capable of meeting this delivery timeframe, it would not be suitable for QSQ – Round Two.

## 3. QuickStarts Qld – Round Two

### 3.1 Request for Detailed Proposal overview

The RFDP mandatory criteria includes:

- The proponent is either:
  - a RCHP, either under the [National Regulatory System for Community Housing \(NRSCH\)](#) or [Queensland State Regulatory System for Community Housing \(QSRSCH\)](#); or
  - is in the process of obtaining registration under the NRSCH or the QSRSCH, and has an estimated date for registration from the Queensland Registrar; or
  - is partnering with a RCHP (noting the department will only enter into new funding arrangements with a RCHP and this is subject to an acceptable contracting arrangement to the State).

- The project must have a land site included or identified for new construction proposals and the proposal must demonstrate that the project can be contracted before 30 June 2025, be able to commence construction quickly and be delivered by 30 June 2027.
- Projects must include off-the-plan or turnkey products currently under construction that can be contracted before 30 June 2025 and acquired quickly.
- Each project must include social housing outcomes for eligible people from the department's Housing Register, with any priority cohorts identified for department consideration.
- Each project must include long term social housing outcomes for eligible customers from the department's housing register.
- Social housing must be commensurate to the level of State investment.

RFDPs will be submitted through the SmartyGrants website using the online form. The RFDP will close at 9.00am on Tuesday, 12 March 2024.

While the RFDP is open, proponents can ask questions through the QSQ website's 'Ask the team' page <https://yoursay.housing.qld.gov.au/qhigi-ask-the-team>. A response will be provided in a timely manner and all questions and answers will be published on this website providing all proponents access to the same information. Commercial-in-confidence questions will be de-identified and generalised information provided so all proponents have access to the same information.

### 3.1.1 Local Government Authorises

Any Local Government Authority, including Aboriginal and Torres Strait Islander Councils, which are a RCHP under the QRSCH, can submit proposals for new construction projects within its local government areas, through the QuickStarts Qld – Round Two RFDP process.

### 3.1.2 Social Housing Accelerator Payment

On 16 June 2023, National Cabinet agreed to the Australian Government's new \$2 billion SHAP to deliver additional social housing as a contribution towards progress on increasing housing supply.

The Queensland Government will deliver up to 600 social housing dwellings, supported by the \$398.3 million provided by the Australian Government under the SHAP agreement. These social housing dwellings are required to be contracted by 30 June 2025, with projects to be delivered by 30 June 2028. Despite the SHAP project delivery date, all new construction projects proposed through QSQ – Round Two must demonstrate that they can be completed by 30 June 2027.

While any approved projects under QSQ – Round Two will be funded by the Queensland Government, part or all of the funding may be provided from the SHAP. The inclusion of SHAP funding does not impact any obligations the RCHP will have to the department through its Standard QSQ – Round Two Capital Funding Agreement (CFA). The department will discuss funding arrangements with approved participants.

## 3.2 Proposals

Proponents must submit a single proposal for each project through SmartyGrants. If a Proponent has multiple projects, it will need to submit multiple proposals. Proponents who submit multiple proposals must be able to demonstrate a capacity to deliver projects concurrently.

The proposals that will be accepted from Proponents under QSQ – Round Two will include:

1. new construction projects that can be contracted with the department before 30 June 2025, commence construction quickly and be delivered by 30 June 2027
2. new acquisition projects for off-the-plan, turnkey products that are under construction and can be contracted with the department before 30 June 2025 and acquired quickly
3. construction projects are on land owned or legally controlled by RCHPs with evidence of exclusive dealings to be provided
4. proposals where there are no barriers to immediately entering into a CFA (or other applicable contractual arrangement) with the State.

A Proponent will be required to demonstrate it can meet these timeframes in its submission. Any proposal which is approved by the department will be conditioned on meeting these requirements.

Projects are to be contracted by the State within six weeks (where possible) of the department obtaining funding approval for an approved project. Projects where construction can commence ahead of 30 June 2025 will be prioritised during the assessment stage.

Once contracted, should the project not reach the agreed Project Milestones as per the CFA, the department may terminate the contract and withdraw its funding.

## 3.3 Target cohorts

Any proposals which include a target cohort must provide supporting evidence for why the cohort has been targeted in the specific location and confirmation of the housing need from the housing register. This includes information about how this cohort will be assisted throughout their tenancies. While target cohorts are accepted, they must include eligible customers from the department's Housing Register.

Target cohorts for social housing projects may include (but are not limited to):

- seniors (aged 55+ years)
- single women (aged 55+ years)
- First Nations people
- young people
- families
- people with disability

- people escaping domestic and family violence.

The department is seeking proposals which include a mix of cohorts, excluding where the cohort identified is a vulnerable target group. While Proponents can nominate target cohorts, it will be subject to the department's approval of the final cohort mix to support maximum benefit for customers on the Housing Register.

### 3.4 Target regions

Proposals will be accepted to deliver new supply anywhere in Queensland; however, proposals will be prioritised by the department where they are located in the following regions.

Region
Far North Queensland
North Queensland
Mackay/Whitsundays
Central Queensland
Brisbane
Gold Coast
Wide Bay Region

### 3.5 Submitting proposals

While proposals seeking 100 per cent funding from the department may be accepted, projects that include a co-contribution for land and capital funds (e.g. provider cash contribution or third-party finance) will be prioritised. The department will prioritise any project proposal with a minimum of 10 per cent project funding from the Proponent.

Proposals for new construction projects should align with the department's design and accessibility standards and are subject to the department's standard contractual arrangements. Please refer to Section 9.1 of this document for information about contracting arrangements.

A copy of the CFA, Delivery Kit, and template Financier Tripartite Deed are at **Attachment 1**, **Attachment 2**, and **Attachment 3**.

Proponents should only submit proposals for projects it can deliver. The department will undertake an assessment of a Proponent's capacity to deliver projects as part of the RFDP assessment process.

If a Proponent is unable to meet the delivery timeframes for projects as outlined in the RFDP, then the proposal should not be submitted.

Proposals which include financial arrangements that places an unacceptable financial risk on the Proponent, or the property, will not be supported.

All proposals should be submitted via SmartyGrants which is accessed via the QSQ website at [www.qld.gov.au/housingInvestment](http://www.qld.gov.au/housingInvestment).

Please note, responses in the SmartyGrants form may have word limits applied so please ensure all responses are clear and succinct.

## 3.6 Terms and Conditions

All proponents submitting proposals under QSQ – Round Two must agree to the Terms and Conditions. A copy of the Terms and Conditions are provided at Appendix B of this RFDP.

# 4. New construction projects

## 4.1 New construction project proposals

The department is seeking social housing outcomes on land which is owned or legally controlled by the Proponent. A Proponent may submit proposals which includes the purchase of land as part of a project, providing the land can be immediately acquired following the execution of a capital funding agreement with the department (for approved projects).

New developments can include (but are not limited to) new apartment complexes, attached housing, detached housing, duplex or triplex developments. Primarily, one and two-bedroom dwellings are required across the State, but dwellings with four or more bedrooms may be considered in locations where homes for larger households are in demand.

Projects which have an existing development approval (DA) must be able to demonstrate the design meets the National Construction Code 2022 as existing on 1 October 2023. If not, then the designs may need to be updated and the DA amended.

## 4.2 What is required for new construction projects?

Proponents are encouraged to include a funding contribution towards the project, in addition to any land on offer. A proposal can include affordable housing (outside State policy settings) where it is wholly funded by the Proponent. Social housing outcomes must be commensurate to the level of State investment.

The department will also consider the inclusion of other housing products (for example, market sales, private housing, Specialist Disability Accommodation (SDA)) through this RFDP, but only where these products are wholly funded by the Proponent.

Social housing outcomes are housing outcomes for eligible customers from the department's Housing Register. Household rent is assessed as per the department's [Community Housing Rent Policy](#) which is generally:

- Social housing rent is no more than 25 per cent of the household's assessable income plus 100 per cent of applicable Commonwealth Rent Assistance.

To support RCHPs to leverage funding and assist with debt servicing requirements, the department will allow RCHPs to request to use program rental receipts from across its funded portfolio (excluding receipts generated through the Community Rent Scheme program) to pay down debts for any new social and affordable housing delivered through QSQ – Round Two.

Rental receipts for projects supported through QSQ Round Two cannot be used to pay down debts for any existing loan facilities or other housing products funded by the Proponent.

In addition to the Mandatory criteria in [section 7.1](#) of this RFDP, proposals for new construction projects should outline the following:

- total amount of funding being sought from the State, and any RCHP contribution.
- the number of social housing outcomes and any affordable housing outcomes, noting affordable housing and any other housing products must be wholly funded by the Proponent.
- a minimum of 50 per cent of all social housing units built to Gold level under the industry adopted [Livable Housing Design Guidelines](#), with the lowest level of Silver being accepted.
- shared or communal spaces and other socially inclusive features.
- alignment to the department's Social Housing Design Guidelines including the indicative floor areas (unless otherwise agreed by the State), noting proposals for one and two-bedroom properties are preferred for all major cities, townships and regional centres, with larger homes (four or more bedrooms) required in locations where housing need supports larger homes.
- a maximum development size that is consistent with the RCHPs service delivery capacity for all new multi-unit developments, provided it fits into the neighbourhood.
- a development location that is not impacted by constraints such as flooding, contamination, bushfire hazard, bio-diversity or challenging terrain.
- social housing that is appropriately integrated with other tenures in the street and neighbourhood and suitably serviced by utility infrastructure (electricity, stormwater, sewerage, water etc.).
- projects will be accepted for all regions across Queensland however, those within the target regions outlined in Section 3.4 of this RFDP, will be prioritised.
- projects should identify any preferred target cohorts for department consideration.
- social housing delivered through new developments should comply with the [National Construction Code 2022](#) as existing on 1 October 2023.
- proposals must include a total estimated project budget, outlining any funding contributions including per unit contributions and demonstrating how the Proponent will maintain their overall funding contributions throughout the delivery of the project.

- the department will prioritise any proposal which includes at least a 10 per cent contribution from the Proponents towards the total project cost, in addition to the land.

RCHPs should submit their proposals through the SmartyGrants form on the QSQ website at [www.qld.gov.au/housingInvestment](http://www.qld.gov.au/housingInvestment).

### **4.3 Submitting multiple projects**

A Proponent can submit multiples projects as part of a wider program of works providing the projects all meet the delivery timeframes for QSQ – Round Two. The Proponent should demonstrate it has the capacity and capability to concurrently deliver projects and identify any broader benefits associated with the delivery of multiple projects (such as potential cost savings, delivery benefits).

### **4.4 Funding for new construction projects**

The department will prioritise proposals (subject to its overall assessment) from Proponents which includes a minimum contribution of at least 10 per cent towards the total project cost.

The department is aware of the pressures within the Queensland construction industry and understand that construction pricing continues to be fluid. Proponents are requested to include the most market comparable budget estimates with its proposals and the department will assess the overall project value when considering value for money outcomes.

Value for money is a key element for QSQ – Round Two.

### **4.5 Out of scope for new construction projects**

The following is out of scope for this RFDP:

- proposals for projects which do not seek to comply with the department’s standard contractual arrangements for capital grant projects.
- The redevelopment of state-owned site/s leased to the RCHP.
- projects which do not provide independent and self-contained accommodation such as congregate living or shared housing.
- projects where the level of amenity does not match the proposed target cohort such as studio apartments for seniors or vulnerable cohorts.
- projects which do not meet the National Construction Code 2022 as existing on 1 October 2023.
- projects with DA that do not meet the department’s minimum design standards or funding requirements.
- projects that do not include social housing outcomes.

## 5. Purchase of new dwellings

QSQ – Round Two also allows RCHPs to submit proposals to purchase new dwellings, such as off-the-plan or turnkey products, in targeted areas of need.

Projects must be in construction (or about to commence construction imminently) and be able to be acquired quickly. Acquisitions can commence from 2023-24 or be acquired in stages across QSQ – Round Two delivery schedule to 30 June 2025.

These properties will be owned by the RCHP (with the State’s interest secured by registered mortgage) and used to provide more immediate housing solutions for people in need from the department’s Housing Register.

Properties purchased and purchased using State funding must be used to provide social housing outcomes for eligible customers from the department’s Housing Register and where the household rent is no more than 25 per cent of assessable income plus 100 per cent of applicable Commonwealth Rent Assistance.

Properties must be purchased by the Proponent as a single transaction at settlement and cannot include the purchase of land under one contract and then funding the construction of dwellings through a separate building contract.

### 5.1 What is required for purchase of new dwellings?

Proponents interested in purchasing properties in the target regions are to submit proposals outlining the:

- location/suburb
- total number of properties to be acquired
- type of property
- target cohort/s
- estimated project budget including the average purchase price per dwelling
- total amount of funding being sought from the State to support the purchases, and the level of RCHP contribution.

Properties should be well located and be close to essential services and public transport. The dwellings must be fit for purpose for social housing tenants.

RCHPs should not enter into a contract with a seller until it has received project approval from the department and a commitment of State funding. Properties to be acquired will be subject to due diligence and will require approval from the department. The purchase price must also be supported by a market valuation.

RCHPs should submit proposals for the purchasing of properties through the SmartyGrants form on the QSQ website at [www.qld.gov.au/housingInvestment](http://www.qld.gov.au/housingInvestment).

## 5.2 Funding contributions for purchases

The department will prioritise proposals (subject to the overall assessment) from RCHPs which include a minimum funding co-contribution of 10 per cent of the purchase price.

## 5.3 Out of scope for new purchases

The following is out of scope for the new purchase program:

- existing residential dwellings from the market
- turnkey projects which can't settle as a single sales transaction
- a brand new property which has an existing tenant
- properties with a purchase price isn't supported by a market valuation
- properties in areas of low housing demand or which do not have access to support or other essential services (some flexibility may apply on a case-by-case basis)
- proposal for properties to be funded by the State but used to provide affordable housing outcomes
- properties where the level of accessibility does not match the proposed target cohort or is not supported by Housing Register data.

## 6. Building and Design Features

The building and design capability of proposed sites will be considered in the assessment of all proposals. The department is seeking to fund new housing developments which align to the department's design standards as well as meeting the National Construction Code 2022 as existing on 1 October 2023.

The below information is provided to RCHPs to assist with Town Planning, Urban Design and Architectural Guidelines underpinning this RFDP's guiding principles. For design requirements, providers can refer to the SHDG, including the SHDG toolkit summary sheets and indicative floor plans, located in Appendix A of this document.

### 6.1 Town planning

Social housing construction projects should consider the objectives of planning schemes, complying to the maximum extent possible and Proponents will be required to seek DA from the relevant planning authority or through the Ministerial Infrastructure Designation process.

Social housing projects delivered by a RCHP are not considered to be public housing under the *Planning Regulation 2017* and are not eligible for exemptions under those provisions.

Proposed land uses should be generally supported by the applicable planning instrument which is likely to be the local planning scheme or a plan of development.

The land use and scale, height and mass of the proposed built form are consistent with the purpose of the applicable zone and address relevant codes.

## 6.2 Accessibility

An important consideration for social housing is features which enhance mobility. Livable Housing Australia promotes universal design and drives industry best practice through its *Livable Housing Design Guidelines*. The design guidelines specify different levels of universal design.

The department is seeking the following outcomes for new developments:

- a minimum of 50 per cent of all units built to Gold level, with additional Platinum level units welcomed and Silver level units the minimum standard accepted
- the minimum standard for detached houses is Gold level, with the Platinum level standard applied in response to identified client need.
- lifts are generally provided on projects of three or more storeys and may be provided on some two-storey apartment projects.

### 6.2.1 Summary of Livable Housing Design standards

Silver level dwellings enable an efficient floor plan, while including some accessibility features, such as level thresholds and slightly wider hallways.

Gold level dwellings include features such as level thresholds, level showers, wider hallways, and provision for grab rails, along with requirements for kitchens, such as set down spaces and a requirement for wall ovens. These features make Gold level dwellings suitable for residents with varied levels of mobility, such as older people or those with a physical disability.

Platinum level dwellings also include additional space and clearances, making them particularly suitable for residents who mobilise in wheelchairs.

Further information on Livable Housing Design Standards can be accessed [here](#).

### 6.2.1 Specialist Disability Accommodation

The department is working to challenge traditional ways of thinking about housing for people with disability and is seeking proposals to incorporate appropriate housing into the broader community. This includes shifting away from traditional group homes and high density living of people with disability. This is to empower people with disability to exercise choice and control about where they live, and whom they live with. Nearby amenities and services should be utilised, rather than having exclusive facilities for residents with disability onsite, to encourage social inclusion and community participation.

The Australian Government has made a commitment to fund the capital construction of SDA, as part of the National Disability Insurance Scheme (NDIS). The Australian Government has issued design and funding guidelines.

While the Queensland Government does not fund the SDA housing component of any broader social housing proposal, proposals that include SDA into a broader mixed-use development will be considered but only where the SDA is fully funded by the Proponent.

## 6.3 Urban Design

The location of the project should afford residents the opportunity to fully participate in and contribute to the wellbeing of the community and achieve other positive life outcomes, such as good health, quality education and secure employment. It is desirable that:

- social housing and affordable housing will contribute positively to the sense of local place, character and community values, provided at densities consistent with identified need and the broad strategies for the neighbourhood.
- the site is within 10 to 15 minutes' walk to services including shopping, commercial activities, health services, education and training and other social services.
- the location provides access to quality, high frequency / regular public transport where this service is available.

### 6.3.1 Sites out of scope for QSQ – Round Two

Sites that are out of scope for QSQ – Round Two include locations that are:

- listed as having State or Local Heritage Significance
- located in Heritage Place Overlay
- affected by Medium-High Flood hazard, Overland Flow and Storm Surge area
- located in a Medium-High Bushfire hazard area
- located in a High Biodiversity/ Ecological Significance area
- located on steep or unstable land (sites with a slope of >15%).

## 6.4 National Construction Code 2022

The National Construction Code (NCC) establishes minimum requirements for the design and construction of buildings across Australia. The NCC has been published and is available on the NCC website (<https://ncc.abcb.gov.au/>). Although the NCC is not a legislated code, it is established and published by the Australian Building Codes Board which works in collaboration with Commonwealth, State and Territory governments to establish the industry code for both new and existing buildings. The NCC is comprised of the Building Code of Australia and the Plumbing Code of Australia, which are given legal effect by different laws in each State and Territory.

Compliant projects will include:

- the standards in the NCC in relation to energy efficiency (including that the housing has an energy efficient rating of 7-stars or more as certified under the Nationwide House Energy Rating Scheme).
- the standards in the NCC relating to livable housing design will be met.

## 7. Request for Detailed Proposal Evaluation Criteria

QSQ – Round Two proposals will require proponents to submit specific information in relation to the Evaluation Criteria to assist the department in its evaluation of projects which will move to the next stage of the procurement process. RCHPs will need to submit one proposal per project.

The level of information that must be provided for each submission is detailed further in the following sections.

### 7.1 Mandatory criteria

To be a considered conforming proposal, proponents will need to meet the following requirements and submit the following information in the SmartyGrants form as follows:

1. Each proponent must be:
  - a RCHP, or
  - is in the process of becoming a RCHP or
  - partnering with a RCHP who will manage the dwellings.
2. Each proposal must meet the delivery timeframe requirements, being:
  - new construction projects must be contracted with the State before 30 June 2025, be able to commence construction quickly and be delivered before 30 June 2027.
  - new acquisition projects must be in construction, contracted with the State before 30 June 2025 and settle no later than 30 June 2027.
3. Each new construction proposals must include a land site which is owned or legally controlled by the RCHP.
4. Each proposal must include social housing outcomes for eligible people from the department's Housing Register commensurate to the level of State investment.

It is also a mandatory requirement that proponents complete and sign the:

1. Ethical Supplier Threshold form.
2. Queensland Supplier Code of Conduct declaration form.

The department reserves the right to waive any aspect of the mandatory requirements at its sole and absolute discretion.

### 7.2 Evaluation criteria

Each proposal will be evaluated based on the following criteria. RCHPs must be able to **demonstrate** that it can meet the requirements.

Criteria	Requirements
<b>1 – Capability and capacity</b>	The Proponent's capacity, capability and experience to deliver, operate and finance (if applicable) the proposed project.
<b>2 – Housing solution</b>	The proposal's response to the demand for housing in the project location demonstrates that the proposed project will support eligible customers from the department's Housing Register and provide long term, sustainable housing for the target region.
<b>3 – Project readiness</b>	The Proponent's ability to deliver the project(s) within the required timeframes, including meeting land ownership/exclusive control of the proposed site requirements, and demonstrating capability to deliver projects concurrently (where applicable).
<b>4 – Deliver certainty</b>	The Proponent demonstrates a clear pathway to delivering the proposed project on time and within budget.
<b>5 – Value for money</b>	The Proponent demonstrates how the proposal delivers value for money to the State.
<b>6 – Project local benefits</b>	The Proponents demonstrates how the project will provide a local benefit to communities across Queensland.

### 7.3 Information required for the evaluation criteria

The following table provides the level of detailed information to adequately address the Evaluation Criteria.

Evaluation Criteria	Required Information
<b>1 – Capability and capacity</b>	<p><b>Experience, capability and capacity</b></p> <ul style="list-style-type: none"> <li>A brief description of how the Proponent (and any proponent partnering with a RCHP) is organised and structured to undertake the project, including details of key personnel that will be involved in the delivery of the project.</li> <li>Recent examples (if available) and relevant experience that demonstrates capacity and capability to deliver capital projects of a similar scale and meet the requirements of QSQ – Round Two.</li> </ul>

Evaluation Criteria	Required Information
	<ul style="list-style-type: none"> <li>• If the proponent is partnering with a RCHP, provide the proposed governance structure for delivering and operating the project.</li> <li>• If the Proponent is proposing to secure finance to deliver the project, a description of previous experience and capability to secure finance and complying with financial covenants.</li> </ul> <p><b>Financial capacity</b></p> <ul style="list-style-type: none"> <li>• A copy of the last three-years audited financial statements. RCHPs registered in Queensland can provide consent to the department to obtain audited financial statements from the Queensland Registrar under the NRSCH and QRSCH.</li> <li>• A copy of the RCHPs Financial Performance Report</li> </ul>
<p><b>2 – Housing solution</b></p>	<p><b>Project particulars</b></p> <ul style="list-style-type: none"> <li>• The project address.</li> <li>• The dwelling type proposed to be delivered.</li> <li>• The total project yield, broken down by bedroom count.</li> </ul> <p><b>Housing outcomes and service delivery</b></p> <ul style="list-style-type: none"> <li>• The number of housing outcomes including social, affordable and/or any other housing products.</li> <li>• The target cohort/s based on the demonstrated need in the local area.</li> <li>• The service delivery strategy, including: <ul style="list-style-type: none"> <li>– how the project responds to the demonstrated need for housing in the area with an appropriate sustainable, long-term housing solution.</li> <li>– how the dwellings will cater to the needs of the target cohort/s.</li> <li>– details of local support service partners (if any) to assist any target cohort/s.</li> <li>– the project’s proximity to local essential services and transport.</li> </ul> </li> </ul> <p><b>Design</b></p> <ul style="list-style-type: none"> <li>• Confirmation of the current level of designs – e.g., concept, preliminary, schematic, detailed or construction documentation.</li> <li>• A copy of the current designs (if available) is to be attached to the proposal.</li> <li>• Advice on where designs do not align with the Social Housing Design Guidelines.</li> <li>• Confirmation of compliance with NCC 2022.</li> </ul>

Evaluation Criteria	Required Information												
	<ul style="list-style-type: none"> <li>Accessibility levels including the number of Platinum, Gold and Silver level dwellings.</li> <li>A description of any unique design features that have been tailored to the target cohort/s.</li> </ul>												
<b>3 – Project readiness</b>	<p><b>Project timeframes</b></p> <ul style="list-style-type: none"> <li>Confirmation of the project status – e.g., feasibility, concept designs, pending DA, DA ready, shovel ready.</li> <li>A detailed program timeline must be attached to the proposal.</li> <li>Confirmation that: <ul style="list-style-type: none"> <li>there are no barriers to contracting with the department.</li> <li>the project is capable of accelerating construction so the project will be completed no later than 30 June 2027 (evidenced by detailed program timeline).</li> </ul> </li> <li>Summary table confirming the key project milestone dates the proposal: <table border="1" data-bbox="555 913 1334 1283"> <thead> <tr> <th>Project Milestone – New Construction</th> <th>Estimated Date</th> </tr> </thead> <tbody> <tr> <td>Execution of capital funding agreement</td> <td></td> </tr> <tr> <td>Planning approval obtained</td> <td></td> </tr> <tr> <td>Builder appointed</td> <td></td> </tr> <tr> <td>Construction commencement</td> <td></td> </tr> <tr> <td>Construction completion</td> <td></td> </tr> </tbody> </table> </li> <li>Evidence to demonstrate ability to deliver multiple projects concurrently where Provider has included more than one project as a larger program of works.</li> </ul> <p><b>Land tenure</b></p> <ul style="list-style-type: none"> <li>Evidence of legal ownership or legal control of the project site.</li> <li>If the site is not owned by the proponent, details of the exclusive arrangement the proponent has to legally control the site – e.g., legally binding option on site – and the timeframes to acquiring ownership.</li> </ul>	Project Milestone – New Construction	Estimated Date	Execution of capital funding agreement		Planning approval obtained		Builder appointed		Construction commencement		Construction completion	
Project Milestone – New Construction	Estimated Date												
Execution of capital funding agreement													
Planning approval obtained													
Builder appointed													
Construction commencement													
Construction completion													
<b>4 – Delivery certainty</b>	<p><b>Planning certainty</b></p> <ul style="list-style-type: none"> <li>Confirmation of the current zoning of the project site.</li> <li>Confirmation the proposed project meets local planning requirements.</li> <li>Status of development/building approvals and/or pathways to obtaining approvals including timeframes.</li> </ul> <p>Any town planning risks and how these would be addressed.</p> <p><b>Development readiness</b></p>												

Evaluation Criteria	Required Information
	<ul style="list-style-type: none"> <li>• Evidence of due diligence completed. The State expects a minimum amount of due diligence to have already been completed for the project including: <ul style="list-style-type: none"> <li>– an assessment undertaken by a Quantity Surveyor (QS) on estimated construction costs however, if a QS report is not yet available, a detailed cost plan is to be provided; and</li> <li>– a town planning report (if available); and</li> <li>– geotechnical and environmental due diligence (if available).</li> </ul> </li> <li>• Key risks or barriers to development identified in the due diligence; and</li> <li>• Risk mitigation strategies to ensure the project is delivered on time and within budget.</li> </ul>
<p><b>5 – Value for money</b></p>	<p><b>Project costs and funding (all figures to be GST exclusive)</b></p> <ul style="list-style-type: none"> <li>• Total project budget (supported by a QS cost estimate or detailed cost plan).</li> <li>• Total per unit cost.</li> <li>• Total required State contribution, including the amount of any State Surplus funds.</li> <li>• Total Provider contribution, including the amounts for land, cash and/or third-party finance.</li> <li>• A completed QSQ – Round Two RFDP budget form is to be attached to the proposal in SmartyGrants.</li> <li>• Details of third-party finance including: <ul style="list-style-type: none"> <li>– the proposed lender.</li> <li>– indicative loan terms.</li> <li>– evidence of previous experience and capability securing finance and complying with financial covenants.</li> <li>– A 10-year project cashflow model is to be included for proposals that include third-party finance.</li> </ul> </li> </ul> <p><b>Value for money</b></p> <ul style="list-style-type: none"> <li>• Confirmation estimated budgets are in line with industry benchmarks.</li> <li>• A description of how the project will deliver value for money to the State including the advancement of economic, environmental and social outcomes for Queenslanders.</li> </ul>
<p><b>6 – Project local benefits</b></p>	<p><b>Project local benefits</b></p> <ul style="list-style-type: none"> <li>• Details of the workforce involved in this project: <ul style="list-style-type: none"> <li>– number of direct workers (employees and contractors) involved in the project (for example, 15 full-time employees).</li> <li>– percentage of direct workers that reside within the local area.</li> </ul> </li> </ul>

Evaluation Criteria	Required Information
	<ul style="list-style-type: none"> <li>• Confirmation the RCHP will ensure participation of Queensland suppliers and local workforces.</li> <li>• Estimated level of involvement of local suppliers, manufacturers and other local businesses in the supply chain and their local area.</li> </ul> <p><i>Please note: the local area is defined as being within a 125-kilometer radius of where the project is located.</i></p>

## 8. Assessment

This RFDP will close at 9.00am on Tuesday, 12 March 2024. Once closed, the department will assess each proposal submitted.

An Evaluation Team, supported by internal subject matter experts (SMEs), will review the proposals and assess them in accordance with the evaluation criteria outlined in Section 7.2 of this document.

Once the assessment has been completed, the Evaluation Team will recommend any projects that can be contracted before 30 June 2025, to a Program Board for final review and approval. Should the Program Board endorse the proposal, the department will contact Proponents and request additional project information to assist with financial approvals and contracting requirements.

Proponents will receive formal, written notification of the outcome of the assessment undertaken for each project proposal.

Depending on the response to the RFDP, and the volume of proposals received, the department may seek to run additional RFDPs to source more proposals from the sector.

## 9. Next Steps for Successful Projects

### 9.1 Contractual arrangements for Registered Community Housing Providers

All approved projects will be contracted between the department and the RCHP using the department's contractual arrangements, which include (but may not be limited to):

- A standardised CFA.
- Mortgage registered on title.
- Leases for non-freehold land (minimum 40-years for social housing outcomes).
- Delivery Kit for Capital Grant Funded construction Projects.
- Financier Tripartite Deed.

A copy of the CFA, the Delivery Kit, and template Financier Tripartite deed are at **Attachment 1**, **Attachment 2**, and **Attachment 3**.

The department will take security over each project it funds in the form of a first registered mortgage against the title of each property. Where third party financing forms part of the project funding, the department may allow its security to rank in priority behind a financier.

The department does not typically approve projects where the RCHP requests contracting terms which are outside of its standard contracting arrangements, these include:

- annual reduction or depreciation of the State’s interest in funded assets
- no registered security where the land tenure permits
- policy flexibility for allocating social housing to people other than to eligible customers
- exemptions to the application of social housing rent polices.

Any request for contract departures to the standard contracting terms are to be included in the RCHPs response with clear justification for the requested departures. Departures will be considered where they support the particulars of the project to be contracted. General changes to the Standard Terms will not be accepted.

It is important for all RCHPs to be subject to the same contracting terms to ensure fairness and equality across the sector.

The decision to approve or reject request Departures will be at the State’s discretion.

### 9.1.1 Summary of Capital Funding Agreement terms

The following is a summary of the terms of the CFA:

#### Parties

- State of Queensland through the Department of Housing (State).
- Provider (Provider).

Other parties may be included as required and subject to approval from the State.

#### Structure of Agreement

- Agreement particulars set out the parties’ contact details, a summary table for the properties, policy documents that the Proponents must comply with, reports and any special conditions.
- The CFA will contract individual projects. Schedule 1 sets out a details table for the details of the construction or purchase of each property.
- Schedule 2 is a ‘delivery kit’ which sets out provisions applicable to construction.
- Schedule 3 is the department’s standard mortgage.
- Schedule 4 sets out indicative terms of a Financier Tripartite Deed.

#### Funding

- The State provides monetary funding towards the purchase or construction in respect of a property in the instalments set out in the details table in Schedule 1.
- The State may also agree to use of State's surplus accrued under other previous CFAs towards the development.
- The Proponent must make a minimum proponent contribution, which can include third party financing, if applicable.
- The Proponent is responsible for completing the development and the State is not required or obligated to contribute any funding other than the amount specified in the CFA. The Provider can request additional funding but any decision about additional funding is a matter for the State to decide in its entire discretion.

### **Security**

- The Proponent grants a real property mortgage to the State over the property that secures the Proponent's obligations under the CFA.
- If the CFA is terminated for breach, the Proponent must repay an amount equal to the State's proportion of the market value of the property. The State's proportion is the proportion of the State's contribution towards the purchase and development of the property and is specified in the CFA.
- The State may agree to the Proponent borrowing from a financier to fund part of the development costs and that financier having a first ranking security up to a specified first priority amount under a Tripartite Deed between the State, the Proponent and the Financier.

### **Construction**

- The Proponent must ensure that construction milestones are met by the milestone dates set out the details table for the property.
- The Proponent must comply with other obligations in relation to the construction, including complying with design and project management requirements, submitting progress claims and reporting.

### **Use**

- The Proponent must use the State funding for its contracted purpose and must deliver social housing at the property in accordance with the State's policies.

### **Property dealings**

- The Proponent can sell the property with the State's consent if the sale is to another RCHP which accepts a novation of the proponent's obligations under the CFA in respect of the property.
- The Proponent must first offer to sell the property to the State under a right of first refusal.
- The State will release the mortgage if requested by the Proponent and the property has been used for social housing in accordance with the CFA for the 20-years.

- The Proponent acknowledges that despite the release of the mortgage, the Proponent must continue to use the property for social housing. The Proponent acknowledges that the State would suffer loss if the Proponent fails to comply with this obligation.
- The Proponent may sell the property and purchase an alternative property with the State's approval but must use the alternative property for social housing under the CFA. The replacement property must have a similar housing capacity that is the same as, or higher than, the Property, including in respect of the number of dwellings and bedrooms.

### **Re-investment Amount**

- If the Proponent is not in breach of its Agreement, any sale proceeds will be apportioned based on each party's contribution to the project, and at no time does State funding have to be repaid to the department. State funding will form part of the Re-Investment Amount and must be used to acquire replacement stock to replace that which was sold.

### **Provider land**

- Land which is wholly owned by the Proponent (and not previously funded by the State) will be excluded from the Re-Investment Amount along with any cash contribution from the Proponent. Any uplift in the market value will also be excluded.

### **Third party financing contributions**

- When a funded property is sold, any remaining debt to a Financier will be paid out at settlement using the proceeds of sale, and the Re-investment Amount will be calculated from the remaining sales proceeds.
- Any amount of debt repaid by the Proponent prior to the sale of the funded property will form part of the Proponent's contribution, and the amount repaid at Settlement will form part of the Re-investment Amount.

### **Other obligations**

- The RCHP must use rent and other receipts only for allowable expenditure.
- The RCHP must insure and maintain the property.
- The RCHP acknowledges that the property is a community housing asset under the *Housing Act 2003* and that the RCHP must comply with the prescribed requirements in the *Housing Regulation 2015*.

## **9.1.2 Master Agreement**

The department is currently developing a new Master Agreement which will replace the existing contractual suite once implemented. When the Master Agreement goes live, the department will work with all RCHPs to transition contracts to the terms of that agreement.

## 10. Appendix A: Links and resources

The below includes links and resources which proponents may find helpful when developing their proposals.

- National Construction Code: <https://ncc.abcb.gov.au/>
- Livable Housing Design Guidelines: <https://livablehousingaustralia.org.au/design-guidelines/>
- Housing Principles for inclusive communities:  
<https://www.chde.qld.gov.au/about/initiatives/housing-principles-inclusive-communities>
- Project trust accounts:  
<https://www.epw.qld.gov.au/news-publications/legislation/building/trust-account-framework>
- Information about becoming a registered provider under the National Regulatory System for Community Housing:  
<https://www.business.qld.gov.au/industries/service-industries-professionals/housing-accommodation/community/registration>
- National Regulatory System for Community Housing homepage:  
<https://www.nrsch.gov.au/>
- Social Housing Design Guideline:  
[https://www.chde.qld.gov.au/\\_data/assets/pdf\\_file/0014/21272/social-housing-design-guideline.pdf](https://www.chde.qld.gov.au/_data/assets/pdf_file/0014/21272/social-housing-design-guideline.pdf)
- Social Housing Design Guideline Toolkit – Technical summary sheets:  
[https://www.chde.qld.gov.au/\\_data/assets/pdf\\_file/0016/21616/social-housing-design-technical-summary-sheets-2022.pdf](https://www.chde.qld.gov.au/_data/assets/pdf_file/0016/21616/social-housing-design-technical-summary-sheets-2022.pdf)
- Social Housing Design Guideline Toolkit – Indicative floor plans:  
[https://www.chde.qld.gov.au/\\_data/assets/pdf\\_file/0028/19099/social-housing-design-indicative-floor-plans-apartment.pdf](https://www.chde.qld.gov.au/_data/assets/pdf_file/0028/19099/social-housing-design-indicative-floor-plans-apartment.pdf)

# 11. Appendix B: Terms and Conditions

## 1. Reservation of rights

Without limiting its rights, the Department reserves the right, in its absolute discretion and at any time to:

- change the structure, procedures, and timing of the RFDP Process or the overall transaction process for the Queensland Housing Investment Growth Initiative (the Program), including by varying the provisions of this RFDP
- amend, update or supplement the information, terms and conditions, procedures and protocols or any aspect of the Program or RFDP process set out in this RFDP without giving reasons
- alter the terms of participation in the RFDP process or the overall procurement process for the Program
- change the lodgement requirements
- deliver the Program or any part through another procurement process
- vary or amend any assessment criteria, develop and consider sub-criteria for any, or all, of the assessment criteria or take into account information provided in response to a particular criterion in the assessment of any other criterion
- seek clarification regarding, or further information in relation to, a Proponent or any matter relating to its Proposal including to question any Proponent, or to invite presentations from Proponents
- conduct due diligence investigations including in relation to potential or perceived conflicts of interest, and take into account information from those investigations, its own and other sources in evaluating Proposals and considering if there is anything which may preclude a Proponent from being included in the shortlist of Proponents
- refuse to allow participation or terminate any further participation by any party at any point in the RFDP Process
- allow further parties to participate in the RFDP Process or the overall procurement process at any time (whether or not they have submitted a Proposal)
- allow changes to the structure of any Proponent
- terminate or reinstate the RFDP Process
- not proceed with QSQ – Round Two, or not proceed with the Program in the manner outlined in the RFDP
- amend the scope of the Program
- waive any requirement or obligation under these RFDP terms and conditions, without prejudicing, varying or limiting any other requirement, obligation or rights
- accept part or whole of an Proposal
- negotiate on any aspect of a Proponent's Proposal before identifying whether it accepts or rejects part or whole of the Proposal hold discussions, meetings or workshop with one or more Proponents at any time during the RFDP Process
- negotiate with any person (including someone other than a Proponent)

- invite refined Proposals from any one or more Proponent
- obtain and consider any objective information from any source other than the Proponent in consideration of a Proposal
- allow the withdrawal of a Proponent from the RFDP Process
- accept a non-conforming Proposal
- accept or reject any Proposal or reject all Proposals at any time (including prior to or during assessment) for any reason or discontinue assessment of a Proposal irrespective of the extent to which it satisfies any of the assessment criteria, or shortlist all, some or none of the Proponents
- publish the names of Proponents
- issue an Addendum or information document
- change and/or negotiate the terms of the contract or indicative contractual arrangements, including the terms of any Capital Funding Agreement or associated documents
- at any time during the RFDP Process carry out reference checks, financial viability checks, credit checks, company searches and other relevant checks as necessary including reference to any publicly available materials and any other basis for evaluation that the department sees fit to apply
- approve any Proposal , including a Proposal which did not have the highest ranked Proposal against the RFDP evaluation criteria or other relevant evaluation criteria
- not provide Proponents with any reason for any actions or decisions it may take or any debriefing, including in respect of the exercise by the department of any or all of the abovementioned rights
- use or incorporate feedback, comments or other information provided by a person who submits a Proposal on a non-attributable basis in preparing any procurement or contract documentation in relation to the Program and in carrying out any procurement in relation to the Program, but will be under no obligation to do so
- take such other action as it considers in its absolute discretion appropriate in relation to the RFDP process or the overall procurement process for the Program
- obtain information about the Proponent relevant to the evaluation requirements that may be held by any Government department, instrumentality or regulator including Work Health Safety Queensland, the Queensland Building and Construction Commission, the Fair Work Commission and the Australian Building and Construction Commission and take the information into account in assessing the other.

The Department is not required to provide Proponents with any reason for any actions or decisions it may take, including in respect of the matters listed above.

No person (whether a Proponent or other person) will have any claim against the department, any of its authorities or agencies, or their respective officers, employees, agents or advisors with respect to the exercise, or failure to exercise, any such right.

## **2. Personal Information**

Personal Information provided by Proponents may, in the course of and for the purposes of evaluation, and, any subsequent dealings and contractual arrangements, be used by or

disclosed to any department of the State of Queensland, including the department, its Ministers, or any of their representative officers, employees, advisers, contractors or agents relevant to the Program.

**"Personal Information"** is information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

### **3. Publicity**

Unless otherwise required by law, Proponents must not make or issue any publicity statements or disclosures in relation to their involvement with the Program unless the written consent of the apartment has first been obtained.

### **4 Costs to be Borne by Proponents**

Neither the State, its Ministers, nor any of their respective officers, employees, advisers, contractors or agents shall be responsible for, or pay or reimburse, any costs, expense or loss which may be incurred by any Proponent or other person:

- in the preparation of its Proposal, attending any meetings, providing any further information or clarification;
- in reviewing, investigating, analysing or preparing any information in relation to the RFDP process;
- in connection with its participation in the RFDP Process; or
- as a result of any modification or termination of the RFDP Process.

### **5 Disclaimer**

This document and any information that accompanies it have been prepared to give potential Proponent's background information in relation to the Program. This document does not, and does not purport to, comprehensively describe the scope of the Program.

The Department makes no warranty or representation (express or implied) and does not assume any duty of care to Proponents that the information in this RFDP or any other Disclosed Information is current, accurate, adequate, suitable, reliable or complete, or that the information has been independently verified, and the apartment accepts no responsibility for interpretations, opinions or conclusions formed by the Proponents.

The Department does not accept any responsibility or liability arising from negligence or otherwise for any reliance placed on any written or oral communications transmitted to as Proponent in the course of the RFDP process. The apartment will have no responsibility to inform any recipient of this document of any matter or information in its knowledge or possession which may be relevant to the Program or RFDP Process or affect any other matter or information contained or referred to in this RFDP.

Recipients of this document acknowledge that they will make their own independent assessments and investigations of the information contained or referred to in this document and their own appraisal of the opportunity to participate in the Program.

This RFDP and all statements and information made in relation to it reflects the Department's current intention only. The information and intentions set out in this RFDP may

change at any time without notice. The risk, responsibility and liability connected with a Proposal is solely that of each Proponent.

**“Disclosed Information”** means this document and any other document, data or information in any medium which is at any time:

- issued or made available by or on behalf of the department to potential Proponents or Proponents for or in connection with the RFDP or the Program, or
- is referred to or incorporated by reference in any such document, data or information.

## **6 Ownership of Responses**

Subject to this clause, all Proposals will become the property of the Department on lodgement.

If a Proponent considers some information it proposes to submit to be confidential and of commercial value and utility in the market place it must approach the department in writing prior to lodging a Proposal about information that the Proponent considers to be of this nature. On receiving a request from a Proponent, the department, in consultation with the Probity Advisor, will (in its absolute discretion) consider, determine and notify the Proponent in writing regarding whether or not the department will treat the relevant information as confidential and of a commercial value and utility in the market place. If the Department agrees with the Proponent that any submitted information has such character, it will not make such information publicly available (unless required by law or policy to disclose such information).

Any intellectual property rights that may exist in a Proposal are retained by the Proponent. Any element of a Proposal considered to carry any intellectual property rights should be clearly identified by the Proponent. Where the Department, in its sole discretion, determines that such elements are subject to such a right, the Department will treat that element accordingly.

By lodging a Proposal, the Proponent grants a non-exclusive, fully paid up and royalty-free, perpetual, irrevocable, transferable licence (with the right to sub-licence) to the department to use, copy, adapt, modify, disclose or do anything else desirable or necessary at the department's absolute discretion, to all material (including material that contains any intellectual property rights of the Proponent or any other person) contained in a Proposal, for the purposes of evaluating and clarifying that Proposal and do all things necessarily associated with the RFDP Process and the finalising of arrangements for the Program.

## **7 Canvassing**

Proponents must not contact any members, or employees or officers of the department (including their advisors) with a view to providing or obtaining information in respect of any part of the Program, the RFDP Process or their Proposal, or attempt to support or enhance their prospect of being selected as a Shortlisted Proponent other than as expressly permitted by this RFDP. At the sole discretion of the Department, any unauthorised communication or attempted approach by a Proponent may lead to the Proponent's exclusion from the RFDP Process.

## **8 Collusion**

Proponents including their officers, employees, agents and advisors must not engage in any collusive tendering, anti-competitive conduct or any other similar conduct with any other

Proponent or any other person in relation to the preparation or lodgement of a Proposal. Evidence of such conduct may lead to the rejection of the Proposal of all Proponents involved.

## **9 Confidentiality**

By accepting the RFDP, each Proponent acknowledges and agrees that:

- the RFDP may contain Confidential Information;
- by providing the RFDP to the Proponent, the Department did not convey any proprietary or other interest to the Proponent; and
- the Department reserves the right to make all or part of the Confidential Information available to the public.

By accepting the RFDP, the Proponent, undertakes for the benefit of the Department that it:

- must keep the Confidential Information secure and protected so that no unauthorised person is able to gain access to it;
- must not, and must ensure that its officers, employees, agents and sub-contractors do not, use or disclose, or cause or permit the disclosure of, any Confidential Information, except as permitted under the RFDP or by the Department;
- must only use the Confidential Information for the purposes of submitting a Proposal in respect of the RFDP;
- must promptly notify the Department if the Proponent wishes to retain a copy of any documents and/or records containing Confidential Information for the purposes of the Proponent's own reasonable internal credit, risk, insurance, legal and professional responsibilities and the Proponent must identify the documents and/or records and the reasons for the request for retention. Any consent granted by the Department may require the Proponent to return the copies of the documents and/or records to the Department at the end of a specified period of time; and
- if requested by the Department, will immediately return to the Department, or destroy or delete as the Department directs, all original Confidential Information and copies together with any other documents which reproduce, are based on, utilise or relate to Confidential Information (except to the extent a Proponent is required to retain such Confidential Information by law). If the Department does not make such a request, the Proponent must destroy each copy of those documents.

The Proponent may only disclose the Confidential Information:

- to its officers, employees and professional advisors for the sole purpose of preparing and submitting a Proposal, provided that any such disclosure is on the basis that the recipient agrees in writing to be bound by the terms of this undertaking, in respect of the Program.
- if required by any applicable law or requirement of any public authority, provided the Proponent provides the Department with prior notice of the disclosure, and using reasonable endeavours, agrees with the Department the form and extent of the disclosure; and
- if otherwise permitted by the Department in writing.

The Department may request the Proponent must provide copies of the recipient's written agreement to be bound by the terms of the above undertaking within two business days of the Department's request.

**“Confidential Information”** means:

Information of, or supplied by, the Department, that is:

- by its nature confidential
- designated as confidential. or

**“Confidential information”** means information that:

- the Proponent knows or ought to know is confidential, and includes information:
  - comprised in or relating to any intellectual property rights of the Department,
  - concerning the internal management and structure, personnel, processes and policies, commercial operations, financial arrangements or affairs of the Department,
  - that is of actual or potential commercial value to the Department, and
  - relating to the clients or suppliers of the Department, but does not include information that:
    - the Proponent can demonstrate:
    - was already in the possession of the Proponent and not subject to an obligation of confidentiality,
    - is lawfully received from a third party who lawfully possessed the information and provided to the Proponent without breach of a confidentiality obligation,
    - was independently developed by the Proponent, or
    - is public knowledge other than through a breach of an obligation of confidentiality.

### **12.10 Privacy**

Proponents must comply with those parts of the *Information Privacy Act 2009* (Qld) which are applicable to the Department in relation to the discharge of Proponents' obligations in relation to the RFDP process, as if the Proponent was the State.

Proponents must:

- ensure that the personal information is protected against loss and against unauthorised access, use, modification, disclosure or other misuse,
- not use personal information other than for the purposes of the RFDP process and performance of the Proponent's obligations under the RFDP, unless required or authorised by law,
- not disclose personal information without the consent of the Department, unless required or authorised by law,
- not transfer personal information outside of Australia without the consent of the Department,

- ensure that access to personal information is restricted to those of its employees and officers who require access in order to perform their duties under the RFDP in relation to the RFDP process,
- ensure that its officers and employees do not access, use or disclose personal information other than in the performance of their duties under the RFDP and in relation to the RFDP process
- ensure that its agents and sub-contractors who have access to personal information comply with these obligations,
- fully co-operate with the Department to enable it to respond to applications for access to, or amendment of, a document containing an individual's personal information and to privacy complaints, and
- comply with such other privacy and security measures as the Department reasonably advises the Proponent in writing from time to time.

The Proponent must immediately notify the Department on becoming aware of any breach of its obligations or a breach of an officer, employee, agent, contractor, potential funder or advisor in relation to personal information.

## 11 Right to information

The *Right to Information Act 2009 (Qld)* (RTI Act) provides members of the public with a legally enforceable right to access documents held by Queensland Government agencies. The RTI Act requires that documents be disclosed upon request, unless the documents are exempt or on balance, disclosure is contrary to the public interest. Information provided to the Department by a Proponent through the RFDP Process is potentially subject to disclosure to third parties.

## 12 Conflict of Interest

Any Proponent with a real or perceived Conflict of Interest must declare that interest to the Department as soon as the conflict is identified.

"**Conflict of Interest**" means having an interest (whether personal, financial or otherwise) which conflicts or may reasonably be perceived as conflicting with the ability of the Proponent to fairly and objectively participate in the Program.

The Department reserves the right, in its absolute discretion, at any stage to:

- place conditions on the further participation of any Proponent that has a Conflict of Interest;
- exclude any Proponent that has a Conflict of Interest from participation in the RFDP or any further procurement; and
- undertake investigations to satisfy itself that there are no conflicts of interest which may preclude a Proponent from participating in the Program.
- Proponents are required to ensure that their performance in respect of identifying, declaring and resolving any conflict of interest is beyond reproach and Proponents (or if the Proponent is a consortium, each participant comprising the Proponent) and must complete a Conflict of Interest Declaration form.

### 13 Change to Participants

- a) Where a Proponent is a consortium, the Proponent will be evaluated on the basis of the Participants identified in the Response. If a Proponent lodges its Response without having identified all Participants, this may affect that Proponent's ability to meet the Evaluation Criteria and the State reserves the right to eliminate that Proponent from further participation in the RFDP Process.
- b) Where Participants change after the lodgement of a Response, Proponents must notify the State of this change. If the State, in its sole discretion, determines that this change is material, the State reserves the right to re-evaluate the Response and to eliminate the Proponent from further participation in the RFDP Process if deemed necessary by the State.
- c) A Proponent should (as a minimum) notify the State of any change to any of the following entities or individuals:
  - any entity that proposes to take a direct equity interest in the Proponent if successful the ultimate parent entity of any entity that proposes to take a direct equity interest in the Proponent if successful;
  - any other entity that is likely to be in a position to exercise control or influence (direct or indirect) over the future management and operation of the Proponent if successful; and
  - any director, secretary or chief executive officer of any entity falling within the above paragraphs and any proposed new directors, secretary or chief executive officer.

### 14 Criminal organisation

The Proponent warrants that the Proponent, and to the best of its knowledge and belief, having made reasonable enquiries, its Personnel have not been convicted of an offence under the Criminal Code in the Criminal Code Act 1899 (Qld) where one of the elements of the offence is that the person is a participant in a criminal organisation within the meaning of the Criminal Code.

**"Personnel"** means: (a) officers, directors, employees, agents, temporary contractors, and (b) in the case of the Proponent includes: (i) any subcontractor and the subcontractor's officers, directors, employees, agents and temporary contractors and (ii) any other person employed or engaged in any aspect of the RFDP.

### 15 The Department may rely on Information in RFDP Responses

By submitting a Proposal, the Proponent:

- warrants to the Department that the information contained in its Proposal is accurate and complete as at the date on which it is submitted and not misleading (including by omission of information) and may be relied on by the Department in evaluating the Proposal and determining whether or not to shortlist the Proponent.
- warrants for the benefit of the Department that it has all the necessary experience, skill and resources to perform and carry out its obligations in accordance with the RFDP.
- undertakes to promptly advise the Department if it becomes aware of any change in circumstances which causes the information contained in its Proposal or subsequent information provided to the Department, to become inaccurate or incomplete in a material respect.

- warrants that it has the authority and rights to grant the Department a licence in respect of clause.
- acknowledges that the Department will rely on the above warranty and undertaking when evaluating their Proposal.
- acknowledges that the Department may elect to remove a Proponent from the procurement process for the Program as a result of material changes to the information presented in its Proposal.
- acknowledges that any shortlisting does not mean that the Department is satisfied as to the information provided by the Proponent and that such information may need to be resubmitted and may be evaluated again in later stages of the procurement process for the Program.
- acknowledges that the Department may suffer loss or damage if the Proponent breaches the above warranty and undertaking.

#### **16 No Legal Relationship**

The information in this document has been compiled on behalf of the Department for the guidance of parties interested in participating in the RFDP Process. The RFDP documents or communications do not constitute an offer or an invitation to make an offer in relation to participation in the Program and does not indicate an intention by the Department to enter into any form of relationship (legal or equitable) with any party receiving it.

No organisation shall be entitled to claim compensation or loss from the Department for any matter arising out of or in connection with the RFDP, including but not limited to any failure by the Department to comply with the RFDP conditions or any part of the RFDP.

#### **17 Not exhaustive**

This RFDP and any information that accompanies it has been prepared to give potential Proponents background information in relation to the Program. This RFDP does not, and does not purport to, comprehensively describe the scope of the Program or contain all of the information that Proponents and their advisors would desire or require in reaching decisions in relation to whether or not to submit an RFDP. Proponents must form their own views as to what information is relevant to such decisions.

#### **18 No Appeal**

Proponents will not have a right to appeal to the Department against any decisions arising from the processes involved in this Program, whether during the RFDP Process or in later processes or procurement stages.

#### **19 Acceptance of Conditions**

By lodging a Proposal in accordance with this RFDP, Proponents agree to the terms and conditions of this RFDP.

## **Attachment 1: Capital Funding Agreement**

A copy of the Capital Funding Agreement is provided for your review. These are the standard terms that all approved projects will be contracted under. Departures will only be accepted where they relate to the particulars of the project. The department reserves its right to make further changes to this agreement.

## **Attachment 2: Delivery Kit for Capital Grant Funded Construction Projects**

A copy of the Delivery Kit for Capital Grant Funded Construction Projects is provided for your review. This is the guide for how construction projects must be delivered. The department reserves its right to make further changes to this agreement.

## **Attachment 3: Template Financier Tripartite Deed for third party financing arrangements**

A copy of the Financier Tripartite Deed is provided for your review. Any departures to this Deed will be negotiated between the Financier and the department. The department reserves its right to make further changes to this agreement.