

**CONVENTIONAL CONTRACT - CONDITIONS OF OFFER**  
**MAJOR DIFFERENCES BETWEEN VERSION 002 DATED 1 JULY 2009 AND VERSION 3 DATED 1 JULY 2011**

The most significant differences between Version 002 and Version 003 of the Conditions of Offer are outlined below. *[This document does not represent a comprehensive list of every amendment incorporated in the Version dated 1 July 2011.](#)*

CLAUSE TITLE	CLAUSE NUMBER	MAJOR DIFFERENCES BETWEEN VERSIONS 002 AND VERSION 003
<b>Definitions and Interpretation</b>  <b>Definitions</b>	1.  1.1	<u>New definitions:</u> <ul style="list-style-type: none"> <li>• Personal Information.</li> </ul> <u>Existing definitions with significant changes:</u> <ul style="list-style-type: none"> <li>• Additional Provisions;</li> <li>• Conditions of Contract;</li> <li>• Confidential Information;</li> <li>• Intellectual Property Rights;</li> <li>• Moral Rights; and</li> <li>• Order.</li> </ul> <u>Deleted definitions:</u> <ul style="list-style-type: none"> <li>• Cluster Members;</li> <li>• GST Amount;</li> <li>• Letter of Acceptance; and</li> <li>• Principal.</li> </ul>
<b>Interpretation</b>	1.2.5	<ul style="list-style-type: none"> <li>• clause amended regarding documents that constitute the Contract.</li> </ul>
<b>Compliance with the Invitation</b>	2.6 & 2.7	<ul style="list-style-type: none"> <li>• new clauses include the requirements specified in clause 4.3.1 of the Invitation to Offer (ITO) regarding page limits and the format, font, questions and headings of Response Forms.</li> </ul>

CLAUSE TITLE	CLAUSE NUMBER	MAJOR DIFFERENCES BETWEEN VERSIONS 002 AND VERSION 003
<b>Essential Information</b>	5.	<ul style="list-style-type: none"> <li>clause amended to more clearly specify the requirements in regard to information required by an Offeror that is a trust.</li> </ul>
<b>Confidential Information, Privacy and Personal Information</b>	12.3	<ul style="list-style-type: none"> <li>new clause includes the return of documentation by the Offeror to the Customer.</li> </ul>
	12.4 & 12.5	<ul style="list-style-type: none"> <li>new clauses include provisions regarding privacy and personal information.</li> </ul>
<b>Insurances</b>	15.3	<ul style="list-style-type: none"> <li>clause amended to specify that Offerors (if a member of a Scheme under the Professional Standards Act) must provide relevant details of that Scheme in Response Form 6.4 of the ITO and attach a copy of the applicable Scheme.</li> </ul>
<b>Commissions, Incentives, Conflict of Interest and Collusion</b>	23.3	<ul style="list-style-type: none"> <li>previous clause 23.3 has been deleted and clauses 23.4 and 23.5 have been renumbered as 23.3 and 23.4.</li> </ul>
	23.5 – 23.9	<ul style="list-style-type: none"> <li>new clauses include provisions regarding collusion and anti-competitive behaviour of Offerors.</li> </ul>
<b>Acceptance and/or Rejection</b>	24.	<ul style="list-style-type: none"> <li>clause amended to include the Customer's right to accept Offers that may be non-conforming, alternative offers and/or innovative solutions</li> </ul>
<b>Right to Information and Disclosure</b>	30.	<ul style="list-style-type: none"> <li>clause amended to include the new disclosure and publication of procurement results for contracts over \$10 million requirements (as per clause 9.2 of the State Procurement Policy).</li> </ul>