

General Terms and Conditions – Conditions of Offer (Works/Services)

QBuild, Department of Housing and Public Works

- A1** The offer documents comprise the offer form, letter of invitation to offer (if any), these Conditions of Offer and General Terms and Conditions - Conditions of Contract (Works/Services), the **Conditions of Working with QBuild - Contractors**, the Code of Tendering (AS4120 - 1994) ¹ as amended by these Conditions of Offer and such specifications, drawings and any other information issued by the Principal for the purposes of tendering and which may be inspected or obtained at the place of closing of offers.
- A2** To submit offers:
- The offer must be complete all details; fully priced and accompanied by any other documents required to be submitted; and
- For hardcopy offers:
- (a) the offer must be signed.
 - (b) offers must be enclosed in an envelope, sealed and endorsed with the location and description of the work and reference number (if any) and lodged at the place named in the offer form, by the date and time given.
 - (c) any offer not in the tender box before the specified closing time may be rejected at the discretion of the Principal. In exercising its discretion, to reject any offer, the Principal shall, amongst other factors, consider any evidence that the offer was sent by prepaid post or recognised carrier in time to be delivered, within the time stated, in the ordinary course of mail or delivery by the recognised carrier.
- For facsimile offers:
- (a) the offer must be signed.
 - (b) offers must include the location and description of the work and reference number (if any) and faxed to the number named in the offer form, by the date and time given.
 - (c) any offer not received before the specified closing time may be rejected at the discretion of the Principal.
- For electronic offers:
- (a) the offer must be lodged electronically to the address stated in the offer form for electronic offers by the date and time given; and
 - (b) an electronic offer must be deemed to have been delivered at the time the electronic offer enters the Department of Housing and Public Works information system designated to receive the electronic communication. Any electronic offer that has not entered the designated information system before the specified closing time may be rejected at the discretion of the Principal.
- A3** An offer received by means other than expressly provided for in the Conditions of Offer may not be considered.
- A4** The Offerer is required to satisfy itself as to the correctness and sufficiency of its offer. An offer shall be deemed to be on the basis that the Offerer has a full knowledge of all matters relating to the Contract and has undertaken an inspection of the Site and any existing structures or features thereon.
- A5** The Principal shall not be bound by any oral advice or information furnished in respect of the offer but shall be bound only by written advice or information given or furnished by it (which may be given electronically).
- A6** The Principal shall not be bound to accept the lowest or any offer. Without limitation the Principal may accept an offer or any part of an offer contained in the offer schedule (where the offer schedule provides for the acceptance of part offers) which on a consideration of all the circumstances appears to be the best "value for money" in accordance with the Queensland Procurement Policy. The Principal may consider, accept or decline to accept any offer. An offer shall not be deemed to have been accepted until the date of notification in writing to the Offerer of such acceptance.
- A7** Without derogating from clause A6, and notwithstanding clause 6.6 of AS4120-1994, in considering or accepting any offer, the Principal may, without being under any obligation to do so, in its absolute discretion and at any time, seek clarification in respect of any aspect of an offer, shortlist or prefer any one or more offerers, and discuss or negotiate with or receive

¹ A copy of AS4120-1994 is available for perusal at the office of the Principal.

final offers from any one or more offerers, in such a manner and as to such aspects of the offer, as the Principal determines.

- A8** The Offerer shall have in place the quality system nominated by the Principal (if any).
- A9** Notwithstanding that the Principal may have invited offers from selected potential offerers, or has otherwise procured submission of offers, the Principal may decline to consider or accept an offer from an Offerer who, within seven (7) days of being requested to do so, has not been able to satisfy the Principal that it has sufficient financial capacity to satisfactorily perform and complete the Contract in accordance with its terms.
- A10** The Offerer acknowledges and agrees that if awarded a Contract as a result of submitting an offer, it shall comply with the requirements of the **Conditions of Working with QBuild - Contractors** and, prior to commencing the Works, be registered as a QBuild registered contractor.
- A11** Offerers may be required to comply with due diligence requirements; refer to **Conditions of Working with QBuild – Contractors**.
- A12** The Offerer is deemed to have completed an environmental risk assessment and allowed for all necessary environmental controls to complete the Works without causing environmental harm.
- A13** If the Offerer provides an offer for the Works on a form other than the provided offer form, the issuance by the Principal of a purchase order or work order for the Works shall be deemed to include these Conditions of Offer and the General Terms and Conditions - Conditions of Contract (Works/Services).
- A14** The rights and obligations in relation to Right to Information and disclosure are as set out in the **Conditions of Working with QBuild – Contractors**.
- A15** The law governing the tender documents and any subsequent contract, if applicable, is the law of Queensland and the parties submit to the non-exclusive jurisdiction of the Courts of Queensland.
- A16** The Offerer must comply with the Ethical Supplier Threshold and the Offerer must complete the Ethical Supplier Threshold questionnaire included in the offer documents. Any response indicating non-compliance with the Ethical Supplier Threshold criteria may result in the Offer not being considered as a conforming Offer.