

## Appendix A – ECI Interactive Process Guidelines

HumeLink

October 2022



[Addendum 01 \(October 2022\)](#)

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# 1. Introduction

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## 1.1. The ECI Interactive Process

The character and quality of all interactions between Transgrid and ECI Tenderers is fundamental to the successful delivery of the Project. Transgrid is seeking to realise the benefits of early interaction and will undertake a collaborative and highly interactive Strategic Market Engagement for the Project via the ECI Interactive Process.

The ECI Interactive Process Guidelines (the Guidelines) aims to provide all ECI Tenderers with equal opportunity to work collaboratively with key members of the HumeLink project team to develop Tenders that are strongly aligned with the technical, legal and commercial requirements of the Project.

The ECI Interactive Process:

- involves the use of ECI interactive workshops, the question and answer (Q&A) process, and interim submissions to develop a positive and collaborative working relationship between Transgrid and the ECI Tenderers to enhance the ECI Tenderer's understanding of the scope and requirements of the Project;
- provides the opportunity for ECI Tenderers to leverage Transgrid and key stakeholder knowledge, expertise and input in order to manage risks, test solutions and enhance the quality of their Tenders; and
- involves Transgrid and key stakeholders making all relevant information, team members and approvals available in a timely and accessible manner to assist ECI Tenderers during the ECI Interactive Process and in developing their Tenders.

## 1.2. A positive and collaborative working relationship

A positive and collaborative working relationship is built on a shared commitment to deliver an outstanding result. This will require an ethos based on mutual respect, common goals and ethical behaviour on the parts of all organisations and the individuals within them.

Transgrid's aim is to create a positive and collaborative working relationship with ECI Tenderers to enable:

- issues to be discussed and resolved quickly and efficiently;
- open and honest discussions to take place;
- a project focus on finding intelligent and sustainable solutions to issues;
- encouragement of flexibility, sustainability and creativity; and
- shared objectives to be achieved with win-win solutions.

The ECI Interactive Process has been developed with the aim of achieving this positive working relationship with all ECI Tenderers during the Strategic Market Engagement and for this positive and collaborative working relationship to continue into the delivery of the Project with the Delivery Partner. Transgrid is committed to providing suitable time and resources to work collaboratively with ECI Tenderers to develop the best solutions for the Project.

### **1.3. Getting the balance right**

The ECI Interactive Process has been structured with the overarching goal of achieving the right balance of interaction between Transgrid and ECI Tenderers.

Transgrid is highly aware of the benefits of interaction, but also the significant time and resources required to develop a Tender for the scale and complexity of the Project.

Therefore, Transgrid will be seeking feedback during the Strategic Market Engagement to ensure that all ECI Tenderers are obtaining the right quality and quantity of interaction, whilst also retaining sufficient time to manage their own Tender development.

This feedback is to be provided via the health check meetings (Executive Health Check meetings) (refer to section 5.8).

ECI Tenderers should ultimately determine and dictate the type and timing of interaction required to develop a high quality and value for money Tender (with equal treatment for all ECI Tenderers).

### **1.4. Probity requirements**

Throughout the collaborative ECI Interactive Process, ECI Tenderers, Transgrid, Transgrid's advisors and key stakeholders must ensure that all interactions and the exchange of all information is undertaken with the highest standards of integrity and that all ECI Tenderers are treated fairly.

From a probity perspective, the ECI Interactive Process will be characterised by:

- collaboration;
- fairness;
- transparency and accountability;
- confidentiality of information;
- appropriately managing any conflicts of interest; and
- achieving value for money through creating an interactive environment that facilitates this.

### **1.5. ECI Interactive Process location**

In undertaking the ECI Interactive Process, Transgrid requires that all participants from both Transgrid and the ECI Tenderers observe current and future NSW Health COVID-19 public health orders, directives and relevant social distancing guidelines.

Transgrid intends that the ECI Interactive Process will be primarily undertaken face-to-face, and ECI interactive workshops will be held at an external location with capacity to adhere to current COVID-19 social distancing guidelines.

Transgrid will inform ECI Tenderers if the arrangements for the ECI interactive workshops change during the ECI Interactive Process.

## 2. Key Objectives and Principles

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This section outlines key objectives and principles for undertaking the ECI Interactive Process.

### 2.1. Key objectives

The key objectives of the ECI Interactive Process are:



**facilitate open and effective two-way communication including positive guidance** – provide a forum for the ECI Tenderer to discuss and seek feedback and positive guidance on the development of their Tender and communicate clearly with Transgrid about key Project matters;



**achieve understanding and alignment of objectives** – facilitate the transfer of information between parties to ensure that all parties clearly understand the requirements and are aligned with the Project objectives;



**identify opportunities, challenges and test solutions** – support the collective identification and investigation of key Project opportunities, risks and issues and allows potential solutions and innovations to be tested;



**expedite the finalisation of contracts** – discuss and resolve commercial issues and departures to key documentation upfront to minimise time and effort required to execute the Delivery Contract;



**maximise the quality and competitiveness of Tenders** – provide a structured process to review the progress of the development of each ECI Tenderer's Tender and obtain assurance regarding the quality of all Tenders; and



**maintain probity and integrity** – at all times during the Strategic Market Engagement, by enforcing a well-defined and fair probity framework.

### 2.2. Interactive principles

The following principles will be observed throughout the ECI Interactive Process.

- All ECI Tenderers will be treated fairly.
- Interactions will be held with each ECI Tenderer separately in the presence of a Probity Advisor.
- Information provided by Transgrid, its advisors and key stakeholders will, to the extent reasonably practicable, be offered equally to each ECI Tenderer.
- Equal opportunity will be provided to ECI Tenderers to interact with Transgrid, its advisors, specialists and key stakeholders.
- Transgrid and all stakeholders will endeavour (as far as reasonably practicable) to keep each ECI Tenderer's information confidential and not divulge it to other ECI Tenderers.
- When Transgrid, its advisors and key stakeholders communicate with (including providing feedback to) an ECI Tenderer, suggestions or comments will not be made which derive from any interaction with another ECI Tenderer.
- Transgrid and key stakeholders will endeavour to provide constructive feedback and guidance during the ECI Interactive Process, however will not lead the ECI Tenderer in the development of its Tender. Feedback will be provided in the context of the project objectives and requirements.

- Where information provided to an ECI Tenderer is relevant to all ECI Tenderers then Transgrid reserves the right to share the information with all ECI Tenderers, unless that information relates to a specific ECI Tenderer's commercial in confidence information.
- If an ECI Tenderer intends to pursue a method or solution, it does so at its own risk. During the ECI Interactive Process Transgrid may raise concerns or provide feedback to the ECI Tenderer and will endeavour to do so as soon as practicable and by reference to the requirements set out in the ECI RFT. The ECI Tenderer may then choose to modify or change its approach or solution.

### **2.3. Interactive protocols**

The obligations of the ECI Tenderers are set out in the terms and conditions in ECI RFT – Volume 1. The ECI Interactive Protocols includes (but is not limited to) the following:

- ECI Tenderers may not rely on any information provided by Transgrid during the ECI Interactive Process (including information provided by Transgrid during meetings, workshops, site visits and investigations and Information Documents provided via the ECI Data Room);
- information discussed or exchanged in meetings, workshops, site inspections and visits and via the Project Q&A process does not in any way constitute an endorsement, approval of a concept by Transgrid and, unless specifically stated in the ECI RFT, does not form part of the evaluation process;
- Transgrid may provide feedback on information submitted during the ECI Interactive Process (including in respect of the interim submissions), including what it considers to be positive aspects and areas for improvement or additional focus for the ECI Tenderer's approach or solutions. Such comments are not directions, instructions, endorsement, approval or evaluation. The ECI Tenderer must form its own view on how to incorporate any feedback (if at all) into its Tender; and
- while Transgrid may inform the ECI Tenderer that its Tender may be inconsistent or non-conforming with the ECI RFT documents or any other requirement, Transgrid cannot and does not represent that every inconsistency or issue will be detected and/or commented upon. A failure by Transgrid to comment does not in any way constitute endorsement or otherwise.

### **2.4. Remote interactive protocols**

Transgrid intends for all interactive workshops during the ECI Interactive Process to be held face-to-face (with the exception of the weekly-check-ins).

In certain circumstances, Transgrid may allow for limited participants to attend workshops remotely. ECI Tenderer's must submit this request in advance (as part of submitting its final agenda), and approval is at Transgrid's sole discretion.

For any remote interactions, the Remote ECI Interactive Process Protocols set out in Annexure 1 will apply.

### **2.5. ECI Tenderer's performance during ECI Interactive Process**

Transgrid will consider the ECI Tenderer's performance during the ECI Interactive Process in evaluating Evaluation Criterion 5 (Collaboration), including with respect to how the ECI Tenderer demonstrated:

- positive and collaborative working behaviours to achieve outcomes;
- effective interaction; and
- commitment to achieving Transgrid's objectives for the Strategic Market Engagement and the Project.

### 3. ECI Interactive Process Program

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This section outlines the indicative program for the ECI Interactive Process.

#### 3.1. Overview

The indicative ECI Interactive Process program (ECI Program) is set out on in Annexure 2 and details the timing of key activities, including:

- knowledge transfer workshops;
- ECI interactive workshops;
- interim submissions;
- site visit(s);
- weekly check-in meetings; and
- Executive Health Check meetings.

The ECI Program is indicative only and ECI Tenderers may seek adjustment to the timing of optional workshops or request additional workshops (and all other activities).

Further detail regarding each of the above activities is provided in sections 4 to 7.

#### 3.2. ECI Tenderer-led Program activities

The ECI Interactive Process is being conducted for the benefit of all ECI Tenderers and therefore, Transgrid believes that the type of all interactive activities should be determined by, and for the benefit of, ECI Tenderers. Therefore, ECI Tenderers are responsible for determining the detailed agenda for each ECI Interactive Workshop (refer to section 5).

ECI Tenderers are also invited throughout the Strategic Market Engagement to comment on or suggest amendments to the ECI Interactive Process and ECI Program. Any such feedback can be provided via the weekly check-in meetings or can be submitted via the 'Q&A' function in the ECI Data Room.

Transgrid will consider any feedback received from ECI Tenderers and may issue a revised ECI Program to ECI Tenderers. ECI Tenderers should be aware that the ECI Program may be updated at any time.

ECI Tenderers are also entitled to request additional workshops at any time during the ECI Interactive Process subject to Transgrid availability and approval, and in accordance with the procedures outlined in these Guidelines.



## 4. Knowledge Transfer Workshops

This section provides ECI Tenderers with information regarding the Knowledge Transfer Workshops to be hosted by Transgrid during the ECI Interactive Process.

### 4.1. Overview

Transgrid has scheduled a number of Knowledge Transfer Workshops to provide ECI Tenderers with the opportunity to obtain a detailed understanding of the key aspects, requirements and complexities associated with the Project. These workshops will be led by Transgrid and aim to facilitate early knowledge transfer, highlight complex issues and reinforce specific requirements of the Project to the ECI Tenderers.

Transgrid expects a high level of interaction from ECI Tenderers to ensure that all parties develop an aligned understanding of key project requirements. Each ECI Tenderer will be provided equal opportunity to attend all Knowledge Transfer Workshops. Knowledge Transfer Workshops will be attended by the Probity Advisor.

### 4.2. Details

Each workshop will be held with individual ECI Tenderers, who may nominate up to ten representatives at each workshop. If an ECI Tenderer wishes to request a greater number of representatives, the ECI Tenderer must notify Transgrid in writing through the ECI Data Room at least three business days prior to the workshop date, with the exception of Knowledge Transfer Workshop 1 being two business days. Attendance of additional ECI Tenderer representatives is at Transgrid's sole discretion.

ECI Tenderers will be required to provide their list of attendees for each session no later than three business days prior to the workshop to allow invitations to be issued.

Table 1 below provides details of the likely topics of each Knowledge Transfer Workshop.

Table 1: Knowledge Transfer Workshops Topics

Topic	Indicative Agenda
<p><b>Knowledge Transfer Workshop 1</b>            Indicative Date: Week commencing 17 October 2022 (Week 1)            Duration: 1.5 hour</p>	
<p>Kick-Off and ECI Phase Briefing</p>	<ul style="list-style-type: none"> <li>• Introductions</li> <li>• Overview of the ECI Phase, including the key documents that comprise the ECI RFT</li> <li>• Details of the ECI Interactive Process, including desired outcomes from Transgrid and the ECI Tenderers – what will make the ECI Interactive Process a success?</li> <li>• Discussion on Evaluation Criteria and desirable outcomes from each Tender submission</li> <li>• Build early relationships with each ECI Tenderer to continue throughout the ECI Phase and delivery</li> </ul>

### Knowledge Transfer Workshop 2

Indicative Date: Week commencing **24 October** (Week 2)

Duration: 2 hours

Technical and Delivery Briefing

- Overview of key elements of the Project scope and technical requirements
- Discussion on key elements of the:
  - Employer's Concept Design (refer to ECI RFT Volume 4)
  - Employer's Requirements (refer to ECI RFT Volume 3 – Attachment B)
  - Site Access Schedule (refer to ECI RFT Volume 3 – Attachment D)
- Overview of the planning approvals process for the Project and key environmental management and sustainability requirements
- Feedback on ECI Tenderer's EOI Application and areas to work on during ECI Stage 1
- Discussion regarding Transgrid's expectations and requirements for Returnable Schedule 2 (Technical and Delivery Solution)
- Discussion on key design and delivery related risks, challenges and opportunities

### Knowledge Transfer Workshop 3

Indicative Date: Week commencing 24 October (Week 2)

Duration: 1 Hours

Community and Stakeholder Engagement, and Community Investment

Overview of Transgrid's requirements and objectives with respect to:

- Community and stakeholder engagement
- Workforce development
- Local industry participation
- Aboriginal participation
- Community benefit

### Knowledge Transfer Workshop 4

Indicative Date: Week commencing 24 October (Week 2)

Duration: 1.5 Hours

Commercial and Pricing Schedule

- Overview of Transgrid's commercial framework and risk allocation (as set out in the Delivery Contract provided at ECI RFT Volume 1 – Attachment A)
- Discussion regarding Transgrid's expectations and requirements for Returnable Schedule 6 (Commercial Certainty) and 8 (Pricing)

## 4.3. Additional workshops

As required during the Strategic Market Engagement, Transgrid may elect to host additional Knowledge Transfer Workshops throughout the ECI Interactive Process.

Transgrid will endeavour to notify ECI Tenderers of any additional workshops via the ECI Data Room at least one week prior to the workshop date.

ECI Tenderers may also request additional Knowledge Transfer Workshops and should submit any such request via the 'Q&A' function in the ECI Data Room. Transgrid, in its absolute discretion, will determine whether to host a workshop.

## 5. ECI Interactive Workshops and Executive Health Checks

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This section provides ECI Tenderers with information regarding the technical and commercial ECI interactive workshops to be undertaken during the ECI Interactive Process.

### 5.1. Overview

The ECI interactive workshops provide a forum for direct interaction between Transgrid and ECI Tenderers during ECI Stage 1.

The ECI interactive workshops will be led by ECI Tenderers and provide an opportunity for ECI Tenderers to discuss and receive feedback on key items that will aid the development of a high-quality and value for money Tender.

### 5.2. Timing

The indicative timing of the ECI interactive workshops is set out in the ECI Program in Annexure 2.

Transgrid will endeavour to advise ECI Tenderers of the arrangements for the ECI interactive workshops via the ECI Data Room at least one week prior to the workshop date.

### 5.3. Topics and agendas

ECI Tenderers are responsible for determining the schedule of topics and agenda for each ECI interactive workshop.

#### 5.3.1. Preliminary feedback on Indicative ECI Program

To secure the availability of key Transgrid participants (including project team members, subject matter experts and advisors), Transgrid has proposed key topics for each ECI interactive workshop and initial agendas as set out in the Indicative ECI Program (refer to Annexure 2).

As part of interim submission 1 (refer to Table 3 in section 6.2), ECI Tenderers must review and provide feedback on this indicative program. In particular, ECI Tenderers should confirm its indicative agenda for each workshop using the form provided in Annexure 3.

ECI Tenderers may make changes to their indicative agenda for each workshop as part of the process for confirming their detailed agendas as described in section 5.3.2 below.

#### 5.3.2. ECI Interactive Workshop agendas

ECI Tenderers must submit detailed agendas no later than three business days prior to the date of each ECI interactive workshop. Agendas must be submitted in the form provided in Annexure 4.

ECI Tenderers may include any number of agenda topics within an ECI interactive workshop.

Whilst ECI Tenderers are required to lead and determine the agenda for each ECI interactive workshop, Transgrid expects that the total schedule of topics will include the key topics and issues identified in sections 5.5 to 5.8 below.

Any documentation for review or consideration as part of the ECI interactive workshop, such as presentations, must also be submitted to Transgrid three business days prior to the relevant workshop.

Table 2 contains a timing summary of information required for the ECI interactive workshops during the ECI Interactive Process.

Table 2 - Timing summary for ECI Interactive Workshops

<b>ECI Interactive Workshops (Technical and Commercial)</b>		
<b>Information to be provided</b>	<b>By whom</b>	<b>Timing prior to workshop</b>
Workshop information (date, time, location)	Transgrid	One week
Detailed agenda and presentation	ECI Tenderer	Three business days
List of attendees (including email addresses)	ECI Tenderer	Three business days
Invitation	Transgrid	Two business days

## 5.4. Attendees

Both Transgrid and ECI Tenderers should ensure that each ECI interactive workshop is attended by a mix of team members that:

- comprise of a consistent core team across all ECI interactive workshops (as practicable). This core team may be supplemented by other subject matter experts depending on the specific subject matter and agenda of each ECI interactive workshop;
- have specialist knowledge to effectively consider key project issues and complex matters; and
- are genuinely empowered to discuss key project matters on behalf of their organisation.

The success of ECI interactive workshops depends on the level of preparation by attendees and their willingness and ability to work collaboratively.

### 5.4.1. Transgrid attendees

Transgrid will participate in the workshops via an interactive team.

The interactive team will comprise of both internal Transgrid employees and external advisors with relevant technical and commercial expertise. The interactive team will be bound to comply with clear probity requirements when interacting or communicating with ECI Tenderers.

All contact with Transgrid's interactive team outside of the ECI Interactive Process activities must be in writing and via the ECI Data Room.

### 5.4.2. ECI Tenderer attendees

ECI Tenderers are permitted to have up to ten representatives present at each ECI interactive workshop at any given time. This restriction is for logistics purposes and to ensure that the number of attendees does not hinder a productive session.

In the event that an ECI Tenderer requires more than ten representatives for a particular ECI interactive workshop, the ECI Tenderer must first seek and obtain permission from Transgrid by submitting a request in writing via the ECI Data Room at least three business days prior to the ECI interactive workshop.

## 5.5. Technical ECI Interactive Workshops

It is anticipated that the technical ECI interactive workshops will be dedicated to specific technical subject matters. These technical ECI interactive workshops will provide an interactive forum and opportunity for ECI Tenderers to:

- discuss, present and seek guidance and/or feedback on their technical solutions, including, but not limited to:
  - technical requirements and solution;
  - value engineering;
  - design development, packaging and approvals;
  - planning approvals and conditions;
  - construction methodology, resourcing and supply chain, and delivery program;
  - delivery approach;
  - construction site access and security;
  - contamination, sustainability and environmental management;
  - traffic management and staging;
  - utilities and third-party requirements, including any early works;
  - community and stakeholder engagement;
  - community investment;
  - workforce development and industry participation;
  - accommodation strategy;
  - interfaces with other contractors;
  - health and safety as part of design and delivery; and
  - pre-commissioning, Energisation and completion activities.
- present and seek feedback on their interim submissions, as described in section 6 of this Guideline;
- test the acceptability (or otherwise) of any Options or Alternative Tenders; and
- seek clarification on Employer's Requirements, highlight any key challenges and issues being encountered and outline preliminary solutions being considered.

Transgrid will make available its internal and external specialists to ensure that all technical matters receive an optimal level of input, investigation and feedback.

## 5.6. Commercial and Pricing Schedule ECI Interactive Workshops

Commercial and Pricing Schedule ECI interactive workshops provide ECI Tenderers with an opportunity to clarify any aspects of the proposed commercial model, discuss any departures that they intend to propose, including the rationale and value for money case for each and discuss and confirm the Pricing Schedule and their approach to setting up their estimates.

Transgrid have appointed external estimating specialists (the Independent Estimator) to observe the ECI Tenderer in deriving their respective Target Cost during the ECI Phase to ensure that the process undertaken is transparent, consistent and inclusive of all required estimating information.

Further to section 9.24 (Open-book) of the ECI RFT – Volume 1, the Independent Estimator will require 'read only' access to the ECI Tenderer's estimating system(s) and information forming the basis of their Tender at select points during the ECI Phase. The Independent Estimator will agree with the ECI Tenderer the appropriate timing and deliverable format for this information but the objective being it aligns with the ECI Program in Annexure 2. Confidentiality and probity protocols will be adhered to during this process with specific details to be discussed and confirmed with the ECI Tenderer during ECI Workshop 4 (Pricing Schedule Review).

The Independent Estimator is not responsible for challenging or verifying rates, quantities or scope of work priced by the ECI Tenderer. The Independent Estimator will include any observations on these elements and any other relevant matters in the ECI Tenderer's estimating approach to developing a Tender during ECI Stage 1 to Transgrid after the Tender Closing Date and Time. The Independent Estimator will ensure that the ECI Tenderer's pricing information is kept confidential and separate from the other ECI Tenderers.

### **5.6.1. Mandatory commercial and pricing schedule workshops**

Transgrid has allocated six mandatory commercial and pricing schedule workshops as part of the ECI Interactive Process.

The purpose of these sessions is to:

- clarify any aspects of the proposed commercial model;
- review and assess collaboration objectives;
- risk allocation and mitigation strategies, including approach to contingency pricing;
- discuss any ECI Tenderer proposed departures to the terms of the base Delivery Contract (as submitted by the ECI Tenderer via the interim submissions process);
- discuss the development of the ECI Tenderer's Target Cost, including the estimating approach and development of the Draft Cost Plan and Basis of Estimate Report; and
- provide guidance to ECI Tenderers on whether proposed departures or commercial solutions may or may not be acceptable to Transgrid.

Transgrid requires that all proposed departures to the base Delivery Contract be raised through the interim submission process.

### **5.7. Other Workshops**

The ECI Tenderer may also propose to discuss a range of other topics relevant to development of the Tender, including but not limited to:

- completion of the Returnable Schedules;
- potential ECI Tender Options and Alternative Tenders;
- any other relevant topics for the development of the Tender.

## 5.8. Executive Health Checks meetings

Transgrid has scheduled a number of Executive Health Check meetings throughout the ECI Interactive Process. The purpose of the Executive Health Check meetings is to discuss key matters, issues and progress relating to the development of the Tender at a senior level.

Executive Health Check meetings should only be attended by senior representatives from the Project team and the ECI Tenderer, with a maximum of three representatives from the ECI Tenderer.

Executive Health Check meetings should also be used as an opportunity for key team members to reflect on the progress that has been made and what changes if any need to be made to the ECI Interactive Process and ECI Program. Transgrid will advise the timing of the Executive Health Check meetings via the ECI Data Room closer to the date of each meeting.

The ECI Tenderer may also propose additional Executive Health Check meetings, if required, via the 'Q&A' function in the ECI Data Room.

## 5.9. Weekly check-in meetings

Transgrid will schedule 'weekly check-in' meetings throughout the ECI Interactive Process. The purpose of these meetings is for each of the ECI Tenderers bid manager and the Transgrid's Contact Officer (plus two other representatives from each Transgrid and the ECI Tenderer as required) to meet and discuss administrative matters relating to the Strategic Market Engagement including:

- the ECI Tenderer's progress;
- any issues that are hindering progress;
- status of any urgent requests for clarification;
- potential upcoming addenda; and
- matters relating to the Program.

Transgrid will advise the timing of these meetings via the ECI Data Room closer to the date of each meeting.

## 5.10. Additional ECI Interactive Workshops

In addition to the pre-arranged ECI interactive workshops, ECI Tenderers may wish to request additional ECI interactive workshops.

To facilitate this process, ECI Tenderers must complete and submit a Request Form for Additional Workshop (Request Form) in Annexure 5 via the 'Q&A' function in the ECI Data Room.

ECI Tenderers should submit the Request Form at least one week prior to the date of each proposed workshop.

All workshop requests should be accompanied by a detailed agenda and all other information stated in the Request Form.

Transgrid will endeavour to accommodate all additional workshop requests, however, reserves the right to accept or reject a request in its absolute discretion.

## 6. Interim Submissions

This section provides ECI Tenderers with information regarding interim submissions during the Strategic Market Engagement.

### 6.1. Overview

Transgrid has scheduled a series of interim submissions to be submitted by ECI Tenderers during the Strategic Market Engagement. The purpose of these submissions is to allow Transgrid to track each ECI Tenderers' progress and gauge feedback on key matters. Information received as part of any interim submission is considered for the ECI Interactive Process only and will not be considered as part of the evaluation of a EOI Tenderer's Tender.

Transgrid has endeavoured to keep interim submission requirements at a minimum and in line with the Returnable Schedule requirements so as not to create too onerous a workload for ECI Tenderers during the Strategic Market Engagement.

All interim submissions will be treated as confidential.

### 6.2. Details and timing

Table 3 below provides details of each interim submission required to be submitted during the Strategic Market Engagement.

Interim submission deliverables must be submitted via the 'Q&A' function in the ECI Data Room by 2:00pm (AEDT) on the dates specified in Table 3.

Table 3 - Interim Submissions Requirements

IS ID	Interim Submission	Description	Due Date	Timing for discussion
IS - 1	Preliminary ECI Workshop Agendas & Value Engineering Proposals	<p><u>Preliminary ECI Workshop Agendas</u></p> <ul style="list-style-type: none"> <li>Submit initial agendas for the ECI interactive workshops using the form provided at <a href="#">Error! Not a valid result for table-Annexure 3.1</a></li> </ul> <p><u>Value Engineering Proposals</u></p> <ul style="list-style-type: none"> <li>List any value engineering proposals the ECI Tenderer wishes to discuss with Transgrid at ECI Workshop 1.</li> <li>This interim submission should focus on any proposed departures from the Employer's Requirements and the ECI Tenderer's Proposed</li> </ul>	28 October 2022 (Week 2)	To be discussed at ECI Workshop 1 (Week 3)

<sup>1</sup> [Addendum 01 \(October 2022\)](#)



		<p>Option (if any) using the form provided in Annexure 6.</p> <p>Page limit: N/A</p>		
IS - 2	<p>Feedback on Commercial Model – critical issues &amp; Feedback on Pricing Schedule, including proposed changes</p>	<p><u>Feedback on Commercial Model – critical issues</u></p> <ul style="list-style-type: none"> <li>The ECI Tenderer is required to submit a critical issues list in order of priority relating to the Delivery Contract. This must also include the ECI Tenderer’s proposed solutions to those issues, to be discussed further with Transgrid.</li> </ul> <p><u>Feedback on Pricing Schedule, including proposed changes</u></p> <ul style="list-style-type: none"> <li>The ECI Tenderer is required to submit its comments on the Pricing Schedule, including proposed changes to be presented and discussed further with Transgrid.</li> </ul> <p>Page limit: N/A</p>	<p>4 November 2022 (Week 3)</p>	<p>To be discussed at ECI Workshop 3 (Week 4)</p> <p>To be discussed at ECI Workshop 4 (Week 4)</p>
IS - 3	<p>Draft High-Level Delivery Programme &amp; Risk &amp; Opportunities Register</p>	<p><u>Draft High-Level Delivery Programme</u></p> <ul style="list-style-type: none"> <li>A draft summary-level Tender Delivery Programme for each Contract Package (including the dates for Practical Completion of each Section).</li> </ul> <p><u>Draft Risk &amp; Opportunities Register</u></p> <ul style="list-style-type: none"> <li>A draft risk and opportunities register using the template provided at ECI RFT Volume 2 – Appendix E.</li> <li>This register should include no more than 30 key risks or opportunities.</li> </ul> <p>Page limit: N/A</p>	<p>18 November 2022 (Week 5)</p>	<p>To be discussed at ECI Workshop 9 (Week 6)</p> <p>To be discussed at ECI Workshop 11 (Week 6)</p>
IS – 4	<p>Proposed departures to the Employer’s Requirements and Delivery Contract</p>	<p>The ECI Tenderer must submit an initial response to Item 2A.1(a) and Item 6.7 7.7<sup>2</sup> of ECI RFT Volume 2 (Returnable Schedules).</p>	<p>25 November 2022 (Week 6)</p>	<p>To be discussed at ECI Workshop 15 (Week 8)</p>

<sup>2</sup> [Addendum 01 \(October 2022\)](#)

		<p>Transgrid will provide feedback on the acceptability (or otherwise) of each proposed departure.</p> <p>Page limit: N/A</p>		
IS - 5	Draft Cost Plan and Basis of Estimate Report	<p>The ECI Tenderer must submit a Draft Cost Plan and Basis of Estimate Report to be provided in format and include the information outlined in the 'Basis of Estimate' template included in ECI RFT Volume 2 - Appendix G in both PDF and Native format to be presented and discussed with Transgrid.</p> <p>Page limit: N/A</p>	2 December 2022 (Week 7)	To be discussed at ECI Workshop 15 (Week 8)

### 6.3. Additional submissions

Transgrid reserves the right to require ECI Tenderers to submit additional interim submissions.

## 7. Site Visits

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This section provides ECI Tenderers with information regarding opportunities to attend site visits during the ECI Phase.

### 7.1. Overview

During the ECI Phase, each ECI Tenderer will be permitted non-exclusive access to certain project sites along the Project alignment for the purpose of visual inspection.

Site visits are categorised under the following:

- site visits to publicly accessible land;
- Transgrid arranged site visits; and
- additional site visits (to private and/or government owned land upon request by the ECI Tenderer).

Prior to any site visit, the ECI Tender must accurately complete and sign the Land Access Indemnity Deed Poll in Annexure 7. ECI Tenderer must submit their signed Land Access Indemnity Deed Poll to Transgrid via the 'Q&A' function in the ECI Data Room.

### 7.2. Site visits to publicly accessible areas

ECI Tenderers are only permitted to carry out site visits to publicly accessible areas during the ECI Phase in accordance with the protocols below:

- ECI Tenderers are not to engage with any member of the public directly regarding any aspect of the Project and must refer any enquiries or questions from any person regarding the Project to Transgrid's representative or community and stakeholder engagement team.
- Confidentiality obligations, probity and safety considerations described below apply at all times.
- ECI Tenderer representatives must notify Transgrid's representative of all and any safety incidents and hazards during the site visits as soon as reasonably practicable.
- Photographs, video and audio recording may only be taken with the prior consent of Transgrid.
- Any other protocols informed by Transgrid that are additional to the above.

### 7.3. Transgrid arranged site visits

Transgrid will conduct site visits for the benefit of all ECI Tenderers. The indicative date and time for the Transgrid arranged site visits is provided in Table 4 below.

Transgrid will seek feedback from the ECI Tenderers to determine the agenda and details for these site visits, including confirming the number of attendees allowed from each ECI Tenderer.

A Transgrid representative will be nominated as the site visit leader for each arranged visit and will be the point of contact between the ECI Tenderers and Transgrid during the site visit.

Table 4 - Transgrid Arranged Site Visits

Site Visit	Location(s) / Agenda	Indicative Date and Time
1	<p><b>Site:</b> Wagga Wagga 330kV Substation</p> <p><b>Meeting Point:</b> 50 Ashfords Rd, Gregadoo NSW 2650 (-35.20041, 147.39570)</p> <p><b>Agenda:</b> To be confirmed by Transgrid prior to the site visit</p> <p><b>Personal Protective Equipment Requirements:</b> hard hat, long-sleeved shirt, long pants, hi-vis shirt/vest, safety glasses and safety boots.</p> <p>Note – any personnel attending site should seek medical advice if they have medical implants.</p>	<p>Week 3</p> <p>Friday 4 November at 10:00am AEDT</p>
2	<p><b>Site:</b> Bannaby 500kV Substation</p> <p><b>Meeting Point:</b> Hanworth Rd, Bannaby NSW 2580 (-34.44311, 150.04992)</p> <p><b>Agenda:</b> To be confirmed by Transgrid prior to the site visit</p> <p><b>Personal Protective Equipment Requirements:</b> hard hat, long-sleeved shirt, long pants, hi-vis shirt/vest, safety glasses and safety boots.</p> <p>Note – any personnel attending site should seek medical advice if they have medical implants.</p>	<p>Week 4</p> <p>Monday 7 November at 10:00am AEDT</p>

ECI Tenderers are required to submit any requests for information obtained as part of these site visits, including any additional questions that arise during the site visits, to Transgrid via the 'Q&A' function in the ECI Data Room as per the process outlined in section 5.2.3 (Q&A process) of the ECI RFT – Volume 1.

#### 7.4. Additional site visits

In addition to the Transgrid arranged site visits referred to in section 7.3 of this Guideline, ECI Tenderers may request additional site visits.

Additional non-exclusive access requests may be permitted to project sites along the Project alignment, including on private and government owner land, where Transgrid has a “consent to enter” agreement with the landowner for the purpose of visual inspection.

Any additional site visits requests would be subject to the following:

- minimum four (4) week notice period. At Transgrid’s sole discretion, and subject to Transgrid being able to obtain the necessary consent to enter from the relevant landowners, access may be possible earlier than this minimum notice period;
- site visit details, including but not limited to, proposed date and time, number of people, vehicles, equipment, property details and specific locations within a property (being identified by the ECI Tenderer);
- approval from the landowner to access their land (requested and confirmed by the relevant Transgrid land access officer); and
- final approval from Transgrid.

To facilitate this process, ECI Tenderers must complete and submit a Request Form for Site Visit in Annexure 8 via the 'Q&A' function in the ECI Data Room.

Transgrid have provided relevant land access information in the ECI Data Room at the following locations:

- 04.07.14;
- 04.07.17;
- 04.07.18; and
- 04.07.20,

which identifies the status of Transgrid’s “consent to enter” arrangements along the Project alignment. ECI Tenderers are to use this information to inform any additional site visit requests.

The Request Form for Site Visit is to facilitate and coordinate private and government land access approval in accordance with the Site Access Protocols in Annexure 9 .

In accordance with the Request Form for Site Visit, the following details must be included:

- date, times and duration access is requested ;
- areas for which access is requested , including description of the location and property details, proposed access and egress locations as well as identification of access tracks within the property;
- all activities proposed to be undertaken (e.g. photographs, visual inspection on foot, drive through etc.);
- equipment needed (e.g. vehicles (branded/unbranded), tools, camera etc.)
- number and details of attendees, and confirmation that they have the necessary qualifications to attend the site, including the numbers and validity dates of any evidence cards required; and
- reasons why the site visit is requested.

Transgrid will endeavour to accommodate all additional site visit requests, however, reserves the right to accept or reject a request in its absolute discretion.

ECI Tenderers must not enter any of these sites without first seeking approval from Transgrid in accordance with this section and the Site Access Protocols in Annexure 9.

## **7.5. Additional site visit protocols**

The following protocols must be observed by the ECI Tenderers in relation to all additional site visits requests.

- Site visits must be co-ordinated through and agreed with Transgrid.
- Transgrid will appoint a representative (e.g. Transgrid land access officer) who will coordinate the details of the visit and confirm approval with the landowner.
- Site visits will be conducted in accordance with relevant Site Access Protocols, guidelines or instructions as notified by Transgrid’s representative in advance of the site visits.
- ECI Tenderers must observe all instructions given by Transgrid’s representative, and/or the landowner, or the landowner’s representative during the site visit.
- During the site visits, ECI tenderers are not to speak with landowners unless asked a direct question by the landowner.
- ECI Tenderers are not to engage with a landowner directly and must refer any enquiries or questions from a landowner to Transgrid’s representative or community and stakeholder engagement team.
- Confidentiality obligations, probity and safety considerations described below apply at all times.

- ECI Tenderer representatives must notify Transgrid's representative of all and any safety incidents and hazards during the site visits.
- Photographs, video and audio recording may only be taken with the prior consent of Transgrid.
- Transgrid and/or landowners may alter a planned site visit at any time and for any reason, including at short notice. ECI Tenderers will be advised of any such alterations or cancellations immediately.

Transgrid will endeavour, but is not obliged, to provide a replacement site visit when an agreed site visit is cancelled by Transgrid.

## **7.6. Safety and biosecurity requirements**

The ECI Tenderer must adhere to all of Transgrid's safety and biosecurity protocols as well as any additional landowner requirements when undertaking a site visit as a minimum standard.

Transgrid's safety and biosecurity protocols are included in the ECI Data Room at the following locations:

- 04.07.15;
- 04.07.16;
- 04.07.19;
- 04.07.21; and
- 04.08.03.13.

ECI Tenderers are advised that Transgrid may not have been made aware of private and government landowner biosecurity plans despite significant effort and the rapidly changing circumstances. ECI Tenderers are required to be vigilant and advise the Transgrid representative accordingly.

## 8. Definitions

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Terms used in this ECI Interactive Process Guidelines (unless otherwise defined) have the same meaning as identical terms defined in the ECI Request for Tender – Volume 1.

## 9. Annexures

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## Annexure 1 Remote ECI Interactive Process Protocols

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### Introduction

Transgrid may conduct certain interactive sessions remotely via video conference facilities, including due to matters such as in response to the COVID-19 pandemic, at Transgrid's discretion.

The intent of these Remote ECI Interactive Process Protocols (these 'Protocols') is to set out the rules and etiquette to be implemented and adhered to during any online ECI interactive workshops so as to ensure meaningful and effective discussions at each online ECI interactive workshop.

All online ECI interactive workshops will be held in accordance with these Protocols.

Transgrid advises the ECI Tenderer that all individuals that intend to participate in the ECI Interactive Process should read and understand these Protocols.

### Remote Interactive Sessions

Any ECI interactive workshop held remotely will use the online video conferencing platform Microsoft Teams (MS Teams).

Each ECI interactive workshop will be allocated a facilitator who will coordinate, manage and be the primary lead for each session. This will be the Transgrid Contact Officer unless the ECI Tenderer is informed otherwise.

### Prior to an ECI Interactive Workshop

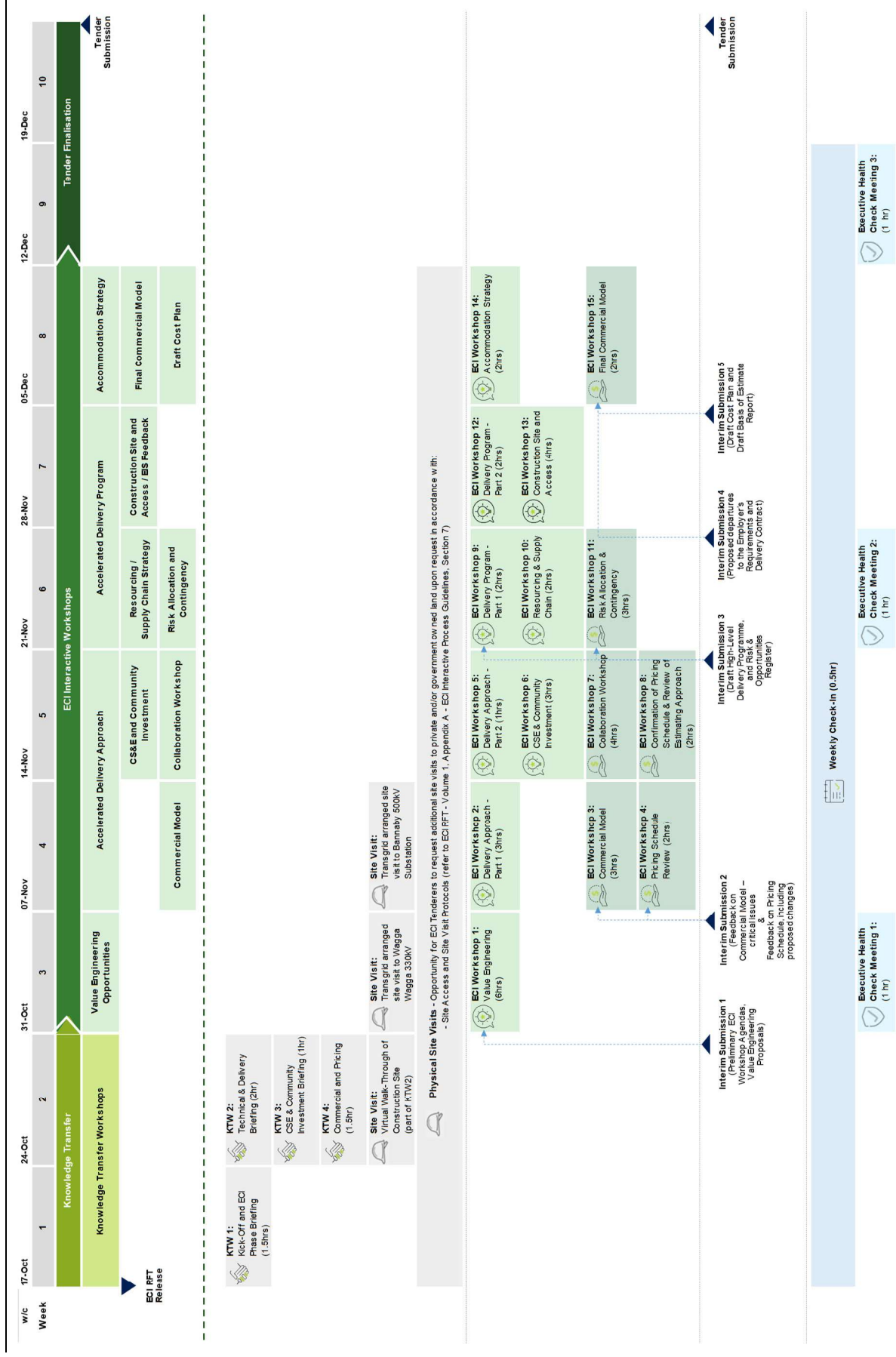
- A Microsoft Outlook calendar invitation for the interactive workshop will be sent to each attendee of the meeting. Only those who were listed in the attendance list provided via the ECI Data Room will be sent an invitation. The meeting invitation should not be forwarded to anyone without approval from the Transgrid Contact Officer.
- To join the MS Team meeting, attendees should use the url link provided in the Outlook calendar invitation. Attendees should note that the workshop invitation may not appear in their MS Teams application calendar.
- The meeting invitation will contain a link to the interactive workshop. When signing in, attendees will go into the 'lobby' in MS Teams. The Transgrid Contact Officer, or delegate, will then admit each attendee.
- To maximise audio quality of the interactive workshop, Transgrid requests that each attendee signs into the workshop individually and there is only one attendee per computer.
- Attendees to the workshop should sign into the workshop five minutes prior to its commencement so any connection issues may be resolved.
- The ECI Tenderer should organise who of the attendees will be presenting prior to the commencement of the workshop to ensure the workshop runs efficiently. Presenters should be listed in the agenda against each topic. ECI Tenderers should also limit the number of presenters so as to reduce the number of attendees generally to the workshop.
- Attendees should ensure their full name is visible in MS Teams when signing into a workshop. Failure to show the full name could result in the attendee not being admitted to the workshop from the 'lobby'.

## Protocols during an Interactive Session

During an interactive workshop the following protocols will be implemented and observed.

- At the commencement of the interactive workshop, the facilitator will undertake a roll call.
- The facilitator will keep all microphones muted to ensure the best audio quality for each attendee.
- Each attendee should also ensure their microphone is muted at all times during the interactive workshop, unless called upon or presenting. Once the attendee has finished talking, they should ensure their microphone is muted to reduce background noise.
- Each attendee should have their camera on at the commencement of the ECI Interactive Workshop.
- The attendee should 'blur' their background whilst their camera is in use or amend their background using an appropriate available MS Teams background.
- Only the Transgrid facilitator or the ECI Tenderer facilitator will present and manage the screen during the interactive workshop.
- The facilitator will allow breaks during the presentation to allow attendees to raise questions.
- When asking a question, the attendee should announce their name and the topic of their question before asking the question.
- As a general rule, attendees are asked not to talk over another attendee while they are talking. The attendee should wait until the other attendee has finished talking. This includes when asking a question.

# Annexure 2 Indicative ECI Program



Week Commencing	Session	Title	Duration	Indicative Agenda (ECI Tenderers are responsible for determining the schedule of topics and agenda for each ECI workshop)
17 October 2022	Knowledge Transfer Workshop 1	Kick-Off and ECI Phase Briefing	1.5 hours	Introductions, Overview of the ECI Phase, Details of the ECI Interactive Process, Discussion on the Evaluation Criteria and Submission Requirements, Site Visits, ECI Data Room
	Weekly Check-In	Weekly Check-In	0.5 hour	Administrative Matters - ECI Tenderer's progress, issues that are hindering progress, status of any urgent requests for clarification, potential upcoming addenda, matters relating to the Program.
24 October 2022	Knowledge Transfer Workshop 2	Technical & Delivery Briefing	2 hours	Project Scope, Employer's Concept Design, Employer's Requirements, Site Access, Program, Planning Approvals, Risks and Opportunities, Returnable Schedule 2
	Knowledge Transfer Workshop 3	CSE & Community Investment Briefing	1 hour	Community and Stakeholder Engagement, Workforce Development, Local Industry Participation, Aboriginal Participation, Community Benefit.
	Knowledge Transfer Workshop 4	Commercial and Pricing	1.5 hours	Transgrid's Commercial Framework and Risk Allocation, Returnable Schedule 6 - Transgrid's expectations and requirements
	Interim Submission 1	Preliminary ECI Workshop Agendas & Value Engineering Proposals	N/A	N/A
31 October 2022	Weekly Check-In	Weekly Check-In	0.5 hour	As above
	Site Visit	Transgrid arranged site visit to Wagga Wagga 330kV Substation	N/A	TBC

Week Commencing	Session	Title	Duration	Indicative Agenda (ECI Tenderers are responsible for determining the schedule of topics and agenda for each ECI workshop)
	ECI Workshop 1	Value Engineering	6 hours	<b>Suggested Agenda</b> Transmission Line Works – Foundations, Structures / Towers, Alignment Substation Works - General Arrangements, Access & Staging, LSE Procurement, Interfaces Design Approval Process Value Engineering - Opportunities to Optimise Transgrid Reference Design, Proposed Departures from Employer Requirements, Key Technical Risks and Opportunities
	Executive Health Check Meeting	Executive Health Check Meeting 1	1 hour	Executive Health Check meetings are to discuss key matters, issues and progress relating to the development of the ECI Tenderer's Tender at senior level
	Interim Submission 2	Feedback on Commercial Model – critical issues & Feedback on Pricing Schedule, including proposed changes	N/A	N/A
	Weekly Check-In	Weekly Check-In	0.5 hour	As above
7 November 2022	Site Visit	Transgrid arranged site visit to Bannaby 500kV Substation	N/A	TBC
	ECI Workshop 2	Part 1 - Delivery Approach	3 hours	<b>Suggested Agenda</b> Property and Site Access Requirements, General Site Arrangements, Mobilisation Strategy, Stringing Methodology, Access Tracks, Accommodation Strategy, Workforce Planning / Training

Week Commencing	Session	Title	Duration	Indicative Agenda <i>(ECI Tenderers are responsible for determining the schedule of topics and agenda for each ECI workshop)</i>
	ECI Workshop 3	Commercial Model	3 hours	<b>Suggested Agenda</b> Critical Commercial Issues, Incentive Regime, Cost Categories and Descriptions, Review of Price Schedule
	ECI Workshop 4	Pricing Schedule Review	2 hours	<b>Suggested Agenda</b> Present and discuss initial feedback on Pricing Schedule
	Weekly Check-In	Weekly Check-In	0.5 hour	As above
14 November 2022	ECI Workshop 5	Part 2 - Delivery Approach	3 hours	<b>Suggested Agenda</b> Planning Approvals, Third Party / Utility Works, Interface Works, Pre-commissioning and Energisation, Key delivery risks and opportunities
	ECI Workshop 6	CSE & Community Investment	3 hours	<b>Suggested Agenda</b> C&SE Strategy, Workforce Development & Training, Aboriginal Participation, Other Community Investment Opportunities
	ECI Workshop 7	Collaboration	4 hours	TBC
	ECI Workshop 8	Confirmation of Pricing Schedule & Review of Estimating Approach	2 hours	<b>Suggested Agenda</b> Review and confirmation of updating Pricing Schedule issued by Transgrid, discussion on estimating approach prior to interim submission 5 – Draft Costs Plan and Draft Basis of Estimate Report
	Interim Submission 3	Draft High-Level Delivery Programme & Risk & Opportunities Register	N/A	N/A
	Weekly Check-In	Weekly Check-In	0.5 hour	As above

Week Commencing	Session	Title	Duration	Indicative Agenda (ECI Tenderers are responsible for determining the schedule of topics and agenda for each ECI workshop)
21 November 2022	ECI Workshop 9	Part 1 – Delivery Program	2 hours	<b>Suggested Agenda</b> High-Level Program, Completion Dates, Production rates, Potential opportunities to de-risk the program, Potential activities that can be undertaken prior to Planning Approval
	ECI Workshop 10	Resourcing and Supply Chain	2 hours	<b>Suggested Agenda</b> Supply chain map - Critical resources and sourcing strategy, Contingency Plans
	ECI Workshop 11	Risk Allocation & Contingency	3 hours	<b>Suggested Agenda</b> Up to 30 key project risks and opportunities, Approach to managing Contingency Pricing
	Interim Submission 4	Proposed departures to the Employer's Requirements and Delivery Contract	N/A	N/A
	Executive Health Check Meeting	Executive Health Check Meeting 2	1 hour	Executive Health Check meetings are to discuss key matters, issues and progress relating to the development of the ECI Tenderer's Tender at senior level
	Weekly Check-In	Weekly Check-In	0.5 hour	As above
	ECI Workshop 12	Part 2 – Delivery Program	2 hours	As above
	ECI Workshop 13	Construction Site and Access	4 hours	<b>Suggested Agenda</b> Construction Site & Access, Construction Site and access requirements, Opportunities to maintain flexibility and manage site access risk
	Interim Submission 5	Draft Cost Plan and Draft Basis of Estimate Report	N/A	N/A
	28 November 2022			

Week Commencing	Session	Title	Duration	Indicative Agenda (ECI Tenderers are responsible for determining the schedule of topics and agenda for each ECI workshop)
	Weekly Check-In	Weekly Check-In	0.5 hour	As above
5 December 2022	ECI Workshop 14	Accommodation Strategy	2 hours	<b>Suggested Agenda</b> Proposed location and setup for workforce accommodations, Opportunities to maximise social license /
	ECI Workshop 15	Final Commercial Model	2 hours	<b>Suggested Agenda</b> Commercial departures, Draft Cost Plan, Draft Basis of Estimate Report
	Weekly Check-In	Weekly Check-In	0.5 hour	As above
12 December 2022	Executive Health Check Meeting	Executive Health Check 3	1 hour	Executive Health Check meetings are to discuss key matters, issues and progress relating to the development of the ECI Tenderer's Tender at senior level
	Weekly Check-In	Weekly Check-In	0.5 hour	As above
19 December 2022	Tender Submission	N/A	N/A	N/A



**Annexure 3 Preliminary Schedule of Topics Form**

<b>Preliminary Schedule of Topics</b>		
<b>ECI Tenderer:</b> <i>[insert ECI Tenderer name]</i>		
<b>Week</b>	<b>ECI Interactive Workshop</b>	<b>Topics</b>

*Note: Insert additional rows as required*

## Annexure 4 Workshop Agenda Form

Agenda for ECI Interactive Workshop			
ECI Tenderer: <i>[insert ECI Tenderer name]</i>			
Date: <b>[X]</b>			
ECI Tenderer's Workshop attendees		<i>[insert workshop attendee name and email address]</i> <i>[insert workshop attendee name and email address]</i> Note: Include all Workshop attendees	
#	Topic item	Description	Timing
1			
2			
3			

*Note: Insert additional rows as required*

## Annexure 5 Request Form for Additional Workshop

Additional Workshop Request Form	
<b>ECI Tenderer:</b> <i>[insert ECI Tenderer name]</i>	
Requested date and time:	<i>[Please advise: the exact timing of the requested workshop; and alternatives to the proposed time and date for the Workshop]</i>
The proposed scope and purpose of the additional Workshop:	<i>[Including, in detail, key questions and/or matters the ECI Tenderer seeks to discuss and, where appropriate, references to specific areas of the RFT]</i>
Requested topic(s):	
A workshop agenda in the form of Annexure 3 of the Interactive Tender guidelines has been attached with this form.	<i>[Yes/No]</i>

## Annexure 6 Details of ECI Tenderer Proposed Options, Proposed Departures and Alternative Tenders

Details of Proposed Options, Proposed Departures and Alternative Tenders	
<b>ECI Tenderer:</b> <i>[insert ECI Tenderer name]</i>	
Requirement	Response
Name	<i>[Provide the name of the Proposed Option / proposed departure / Alternative Tender]</i>
<b>Summary</b>	
Description	<i>[Provide a description of the Proposed Option / proposed departure / Alternative Tender]</i>
Benefits	<i>[Provide a summary of the benefits of the Proposed Option / proposed departure Alternative Tender]</i>
Risks	<i>[Provide a summary of the risks associated with the Proposed Option / proposed departure / Alternative Tender]</i>
Proposed Option / proposed departure Alternative Tender	<i>[Provide whether this response relates to a Proposed Option, proposed departure or Alternative Tender and provide supporting rationale]</i>
<b>Impact on the Conforming Tender</b>	
Program	<i>[Provide details of the impact of the Proposed Option / proposed departure / Alternative Tender on the Conforming Tender's program, including a summary of changes that would be required to the response to Returnable Schedule 2, item 2B.1]</i>
Design	<i>[Provide details of the impact of the Proposed Option / proposed departure / Alternative Tender on the Employer's Concept Design, including a summary of changes that would be required to the response to Returnable Schedule 2, item 2A.2]</i>
Delivery	<i>Provide details of the impact of the Proposed Option / proposed departure / Alternative Tender on the Conforming Tender's delivery approach, including a summary of changes that would be required to the response to Returnable Schedule 2, item 2B.2]</i>
Commercial departures	<i>[Provide a summary of any required amendments to the Delivery Contract as a result of the Proposed Option / proposed departure / Alternative Tender]</i>
Additional or excess land	<i>[Provide a summary of any additional or excess land]</i>
Technical departures	<i>[Provide a summary of any amendments required to the Employer's Requirements as a result of the Proposed Option / proposed departure / Alternative Tender]</i>
Price	<i>[Provide an indicative quantification of the financial benefits and / or costs associated with the Proposed Option / proposed departure / Alternative Tender (including any</i>

	<i>indicative changes to the underlying quantities which result in the pricing change)]</i>
Other impacts	<i>[Provide a summary of any other impacts of the Proposed Option / proposed departure / Alternative Tender on the Conforming Tender (including any other changes that would be required to any of the Returnable Schedules)]</i>
<b>Commitment to Proposed Option / proposed departure / Alternative Tender</b>	
Deliverability and work undertaken to date	<i>[Provide confirmation of deliverability and bankability of the Proposed Option / proposed departure / Alternative Tender, including evidence of the ECI Tenderer's commitment to the Proposed Option / proposed departure / Alternative Tender and work undertaken to date]</i>
Development plan	<i>[Provide a plan and schedule for further development of the Proposed Option / proposed departure / Alternative Tender, including any required inputs from Transgrid]</i>
<b>Attachments</b>	
Attachments	<i>[Provide a list of all attachments provided as supporting evidence]</i>

*Note: ECI Tenderers should repeat the above table for each preliminary Proposed Option / proposed departure / Alternative Tender.*

## Annexure 7 Land Access Indemnity Deed Poll

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# Land Access Indemnity Deed Poll

HumeLink

October 2022



This Deed Poll is made on \_\_\_\_\_ 2022

## BY

Name **[insert full company name and/or the names of all companies participating in a JV]**

ABN/ ACN / **[insert ABN]**

ABRN

Alias **ECI Tenderer**

Address **[insert full company address]**

Postal

Contact **[insert contact name]** E-mail **[insert contact email]**

## IN FAVOUR OF

Name NSW Electricity Networks Operations Pty Limited ACN 609 169 959 as trustee  
for NSW Electricity Networks Operations Trust

ABN 70 250 995 390

Alias **Transgrid**

Address 180 Thomas Street, Sydney NSW 2000

Postal PO Box A1000 Sydney South NSW 1235

Contact Carl Charlier E-mail [humelink.enquiries@transgrid.com.au](mailto:humelink.enquiries@transgrid.com.au)

both the “Parties”.

## BACKGROUND

- A. On [Insert Date] Transgrid issued the ECI RFT.
- B. Transgrid is responsible for giving the ECI Tenderer sufficient access to the Site to enable the ECI Tenderer to conduct site investigations reasonably necessary for performance of the ECI Activities.
- C. The ECI Tenderer agrees to release and indemnify Transgrid in relation to the ECI Tenderer’s access to the Site in accordance with the terms of this Deed Poll.



## 10.1. INTERPRETATION

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### 10.1.1.1. DEFINITIONS

Capitalised terms used in this Deed Poll which are not otherwise defined have the meaning given to them in the ECI RFT.

The following definitions also apply in this Deed Poll:

**Associates** means, in relation to a person, any Related Body Corporate (as defined in the *Corporations Act 2001* (Cth)) of that person and any officer, agent, contractor, consultant, nominee, licensee or advisor of that person or that Related Body Corporate which:

- (a) in the case of the ECI Tenderer, does not include Transgrid or any of its Associates; and
- (b) in the case of Transgrid, does not include the ECI Tenderer or any of its Associates.

**Business Day** means a day (other than a Saturday, Sunday or public holiday) on which banks are open for general banking business in Sydney, New South Wales.

**Claim** means any claim, action, demand or proceeding:

- (a) in contract whether for breach of or for an entitlement under a contract;
- (b) under or for breach of statute;
- (c) in tort for negligence or otherwise, including negligent misrepresentation;
- (d) for restitution, including restitution based on unjust enrichment; and
- (e) otherwise at law or in equity.

**Commencement Date** means the date that the ECI Tenderer executes this Deed Poll.

**Deed Poll** means this document.

**ECI RFT** means the request for submission of Tenders for the Delivery Partners for the HumeLink project issued by Transgrid to the ECI Tenderer, and includes all parts, appendices and attachments to it, as well as any addenda.

**Liability** means any debt, obligation, cost (including legal costs, deductibles or increased premiums), expense, loss, damage, compensation, charge or liability of any kind, including those that are prospective or contingent and those the amount of which is not ascertained or ascertainable.

## 11.2. PRECEDENCE

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To the extent of any inconsistency between this Deed Poll and the ECI RFT, this Deed Poll will prevail.

## 12.3. RELEASE AND INDEMNITY

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### 12.1.3.1. Indemnity

The ECI Tenderer indemnifies Transgrid and its Associates and any person acting on behalf of, or associated with any of them, against any Claim or Liability arising out of or in any way connected with the ECI Tenderer's access to the Site except to the extent that the Claim or Liability was caused by the negligence of Transgrid or its Associates or any person acting on behalf of, or associated with any of them.

### 12.2.3.2. Own risk

- (a) The ECI Tenderer acknowledges and agrees that it accesses the Site at its own risk.
- (b) The ECI Tenderer releases and discharges Transgrid and its Associates and any person acting on behalf of, or associated with any of them, from all Claims and all Liabilities of any nature which the ECI Tenderer:
  - (i) now has;
  - (ii) at any time has;
  - (iii) may in the future have; or
  - (iv) but for this Deed Poll, could or might have had,
  - (f) against Transgrid or its Associates or any person acting on behalf of, or associated with, any of them under, arising out of or in any way connected with the ECI Tenderer's access to the Site.
- (c) Without limiting clause [12.1.3.1](#), neither Transgrid nor its Associates nor any person acting on behalf of, or associated with any of them, will have any Liability arising out of or in respect of or in connection with any right which the ECI Tenderer, any of its Associates or any person acting on behalf of, or associated with any of them, has (whether at the date of this Deed Poll or otherwise) in respect of the ECI Tenderer's access to the Site.
- (d) The ECI Tenderer will not be entitled to and agrees not to make, continue or enforce any Claim against, or seek, pursue or obtain an indemnity against Liability from Transgrid, any of its Associates or any person acting on behalf of, or associated with any of them, arising out of or in respect of or in connection with the ECI Tenderer's access to the Site.
- (e) The ECI Tenderer undertakes to procure releases on the terms set out in this clause [3.2](#) (other than ~~this clause~~ [Error! Reference source not found.](#))<sup>3</sup> in favour of Transgrid and its Associates from any of the ECI Tenderer's Associates if required to do so by Transgrid by notice in writing.

## 13.4. BINDING EFFECT OF THIS DEED POLL

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This Deed Poll binds the ECI Tenderer and any administrator, transferee, assignee, liquidator of the Tenderer or any trustee in bankruptcy appointed in respect of the ECI Tenderer.

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<sup>3</sup> [Addendum 01 \(October 2022\)](#)

## 14.5. BAR TO FURTHER PROCEEDINGS

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This Deed Poll may be pleaded as a full and complete defence by Transgrid or any of its Associates to any action, suit or proceedings commenced, continued or taken by the ECI Tenderer or any of their Associates, or on behalf of any of them, in relation to any of the matters referred to in this Deed Poll.

## 15.6. WARRANTY

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The ECI Tenderer warrants that:

- (a) the ECI Tenderer has taken independent legal advice as to the nature, effect and extent of this Deed Poll;
- (a) neither Transgrid nor its Associates, nor any person acting on behalf of, or associated with any of them, have made any promise, representation or inducement or been party to any conduct material to the ECI Tenderer entering into this Deed Poll other than as set out in this Deed Poll; and
- (b) nothing in this Deed Poll affects the obligations of the ECI Tenderer to keep information confidential or any obligations that are continuing under the ECI RFT. These obligations are continuing obligations and bind the ECI Tenderer as if set out in full in this Deed Poll.

## 16.7. CONFIDENTIALITY AND PUBLIC ANNOUNCEMENTS

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- (a) The ECI Tenderer acknowledges that Transgrid may publish or disclose (on the internet or otherwise) the terms and conditions of this Deed Poll.

Without limiting the terms of any confidentiality undertakings separately provided by the ECI Tenderer, the ECI Tenderer must not disclose or provide to any person any particulars concerning this Deed Poll (including the existence of this Deed Poll) or any other information with which it has been provided by Transgrid or any other person on behalf of Transgrid, without the prior written consent of Transgrid.

## 17.8. GENERAL

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### 17.1.8.1. Governing Law and Jurisdiction

- (a) This Deed Poll and any dispute arising out of or in connection with this Deed Poll is governed by the laws of New South Wales.
- (b) The ECI Tenderer submits to the non-exclusive jurisdiction of the courts of New South Wales, and courts of appeal from them, in respect of any proceedings arising out of or in connection with this Deed Poll.

### 17.2.8.2. Joint and Several Liability

- (g) If the ECI Tenderer is more than one person, each person making up the ECI Tenderer is jointly and severally bound by the terms of this Deed Poll.

### **17.3.8.3. Amendments**

(h) This Deed Poll may not be revoked without the prior written consent of Transgrid. Any amendments must be agreed in writing between the ECI Tenderer and Transgrid.

### **17.4.8.4. Further acts**

(i) The ECI Tenderer must promptly do all further acts and execute and deliver all further documents (in form and content reasonably satisfactory to Transgrid) required by law or reasonably requested by Transgrid to give effect to this Deed Poll.

### **17.5.8.5. Entire agreement**

- (j) To the extent permitted by law, in relation to its subject matter, this Deed Poll:
- (a) embodies the entire understanding of the parties, and constitutes the entire terms agreed by the parties; and
  - (b) supersedes any prior written or other agreement of the parties.

### **17.6.8.6. Severability of provisions**

(k) Any provision of this Deed Poll that is prohibited or unenforceable in any jurisdiction is ineffective as to that jurisdiction to the extent of the prohibition or unenforceability. This does not invalidate the remaining provisions of this Deed Poll nor affect the validity or enforceability of that provision in any other jurisdiction.

**18.9. <sup>4</sup>EXECUTION**

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Each attorney executing this Deed Poll states that he or she has no notice of the revocation or suspension of his or her power of attorney.

**Executed** as a deed poll.

**ECI Tenderer**

Signed, sealed and delivered by [**Insert** )  
**Recipient name and ACN/ABN**] by the )  
 party's attorney pursuant to power of )  
 attorney dated ..... who states that)  
 no notice of revocation of the power of )  
 attorney has been received in the )  
 presence of: )  
 )

.....  
 Witness

.....  
 Attorney

.....  
 Name of Witness (print)

.....  
 Name of Attorney (print)

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<sup>4</sup> [Addendum 01 \(October 2022\)](#)

## Annexure 8 Request Form for Site Visit

### Additional Site Visit Request Form

#### ECI Tenderer: *[insert ECI Tenderer name]*

Requested date, timing and duration:	<i>[Please advise:</i> <ul style="list-style-type: none"> <li>• <i>the exact date, timing and duration of the requested site visit; and</i></li> <li>• <i>2-3 alternative dates for the requested site visit]</i></li> </ul>
Site Locations:	<i>[Provide a brief description of the site(s) requested for inspection, including property details, access and egress details, lot and deposited plan numbers (where applicable) as well as identification of access tracks within the property]</i>
Purpose of the site visit:	<i>[Purpose of activity. Note: activities and non-intrusive investigations not advised and approved by Transgrid in advance will not be permitted on the day of the ECI Tenderer requested site visit]</i>
Proposed activities to be undertaken:	<i>[Detail the timing and sequence of all proposed activities (e.g. photographs, visual inspection on foot, drive through) to be undertaken by the ECI Tenderer]</i>
Number of people:	<i>[Number and details of attendees, including evidence of required qualifications]</i>
Equipment Needed:	<i>[Vehicle(s) (branded / unbranded), camera, tools etc.]</i>
Details of the ECI Tenderer representative nominated to be in charge of and be the key contact for the requested site visit:	<i>Name:</i> <i>Position:</i> <i>Company:</i> <i>Mobile #:</i> <i>Email:</i>

#### ECI Tenderer attendee information

Name	Position	Company	Mobile #	Email

## Annexure 9 Site Access Protocols

Site Access Protocols	
Step 1	<p><b>Request Form for Site Visit</b></p> <p>The ECI Tenderer completes a Request Form for Site Visit in Annexure 8 and submits it to Transgrid via the 'Q&amp;A' function in the ECI Data Room.</p>
Step 2	<p><b>Consideration of requests and approval from Transgrid</b></p> <p>Transgrid will review each site visit request and will determine whether that site visit can proceed, either as a whole or in part.</p> <p>Once Transgrid has determined whether the site visit can proceed, it will confirm to the ECI Tenderer the date, time, location, and any special requirements Transgrid may have in relation to that site visit over and above the protocols outlined in this Guideline.</p>
Step 3	<p><b>The ECI Tenderer to respond to Transgrid</b></p> <p>Once the ECI Tenderer receives Transgrid approval of its site visit request, the ECI Tenderer must respond to Transgrid via the 'Q&amp;A' function in the ECI Data Room to:</p> <ul style="list-style-type: none"> <li>• confirm availability for the advised dates and times; and</li> <li>• confirm compliance with any other special requirements of Transgrid.</li> </ul> <p>Where the ECI Tenderer responds with an alternative time or does not have an ability to meet the requirements, steps 2 and 3 will be repeated.</p>
Step 4	<p><b>Prior and post site visit</b></p> <p>Prior to the approved site visit request, via the 'Q&amp;A' function in the ECI Data Room, the ECI Tenderer must:</p> <ul style="list-style-type: none"> <li>• confirm that the site visit will be going ahead as planned;</li> <li>• confirm the list of attendees;</li> <li>• confirm the agenda for the site visit; and</li> <li>• confirm compliance with any other special requirements of Transgrid.</li> </ul> <p>Upon completing the site visit, the ECI Tenderer must notify Transgrid's representative that they have left the site.</p> <p>Note – relevant details of Transgrid's representative for each site visit will be provided in step 2 as part of the Transgrid approval process.</p>