

RE: Number of Submissions Received for Q317-21 Milperra Drain - Clearing and Grubbing Stage 1

From: Pietro Cossu <pietro.cossu@cbc.city.nsw.gov.au>
To: Gary Soo <gary.soo@cbc.city.nsw.gov.au>, Anthony Luu <anthony.luu@cbc.city.nsw.gov.au>, Mohammed Qutubuddin <mohammed.qutubuddin@cbc.city.nsw.gov.au>
Date: Fri, 14 May 2021 08:52:55 +1000
Attachments: Quote Conflict of Interest v2.pdf (195.06 kB)

Attached



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From: Gary Soo <Gary.Soo@cbc.city.nsw.gov.au>
Sent: Monday, 10 May 2021 2:50 PM
To: Pietro Cossu <Pietro.Cossu@cbc.city.nsw.gov.au>; Anthony Luu <Anthony.Luu@cbc.city.nsw.gov.au>; Mohammed Qutubuddin <Mohammed.Qutubuddin@cbc.city.nsw.gov.au>
Subject: Number of Submissions Received for Q317-21 Milperra Drain - Clearing and Grubbing Stage 1

Hi Everyone,

We have received a total of 2 submissions for the above mentioned quotation.

Company Name

General Works and Construction Pty Ltd
 J HOLDINGS GROUP PTY LIMITED

Count: 2

Can you please complete the attached COI form and return via email to me.

Pietro please complete page 2
 Anthony and Mohammad please complete page 1

Also, if you have no conflicts of interest to declare please also type in "Nil" on page 5

Thank you

Best regards



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EVALUATION PANEL MEMBER DECLARATION OF INTEREST AND CONFIDENTIALITY

Quote No. _____

Description _____

I _____ *[Insert full name]*

Position/Title _____

1. Declare that to the best of my knowledge neither I nor any member of my immediate family have any interests (pecuniary or otherwise) which could possibly be construed as having any influence, or perceived to have any influence, on the proper and objective performance by me of my duties in relation to this tender other than (please put 'NIL' if you have nothing to declare).

2. Agree to keep all information and documents relating to this matter confidential and not to disclose or communicate the same to any person or persons without the prior written consent of the General Manager of Canterbury-Bankstown Council.
3. Agree to keep the results of the evaluation process in relation to this tender confidential.
4. Acknowledge receipt of all copies of the tender submissions and agree not to make any copies of, or take any extracts from them except as may be necessary and essential for the due and proper performance of my duties.
5. Agree to return all documents, papers and other materials given to me relating to this tender to the nominated Council Officer upon the completion of the evaluation.
6. Acknowledge that conflicts of interests, breach of confidentiality and unauthorised disclosure are subject to the provisions and penalties contained in the Local Government Act 1993.
7. Agree to immediately declare to the Council any changes which may occur that relate to the matters stated in Clause 1 of this Declaration from time to time.
8. I, the person named below, confirm my understanding that by printing my name and lodging this declaration understand no physical signature is required on this Declaration and that by lodging this declaration electronically I am automatically providing an electronic signature for this Declaration in accordance with the Electronic Transactions Act 1999 (Cth) and corresponding state and territory acts.

Print Name: _____

Dated _____

[Note: This form to be kept with official records relating to the particular tender. The General Manager to be advised of any conflict identified and appropriate action to be taken, if required.]

PROJECT MANAGER DECLARATION OF INTEREST AND CONFIDENTIALITY

Quote No. _____

Description _____

I _____ [Insert full name]

hereby declare that:

- 1) Subject to Schedule 1, I agree to keep all information relating to the above Tender (the "**Request for Tender**") including, without limitation, the Request for Tender, information sent with the Request for Tender, information made available to Tenderers in connection with the Request for Tender, any submission received in response to the Request for Tender and any material created or received, or matter discussed during the evaluation period (the "**Information**") confidential.
- 2) I shall not use any Information for any purpose other than for the purpose of evaluating a Tender submitted in response to the Request for Tender.
- 3) Subject to Schedule 1, I shall not release or make public any Information without the prior written approval/consent of Canterbury-Bankstown Council (the "**Council**").
- 4) I acknowledge that I may disclose Information if it is already in the public domain other than as a result of my own act or commission, if the disclosure is required by law, order of court, tribunal, the Australian Securities & Investment Commission or any other regulatory body, provided notice of the need for disclosure is first provided to Council.
- 5) I shall not remove or photocopy any documents that I have been provided the right to access in accordance with the parameters for the evaluation of Tenders.
- 6) I represent and warrant that:
 - (a) I have read and reviewed the guidance in Schedule 1;
 - (b) in making this declaration and disclosure I have made all reasonable and proper enquiry and taken such steps as might reasonably be expected to determine whether any actual or potential conflicts of interest exist; and
 - (c) I am aware that the obligation to declare and disclose an actual or potential conflict of interest is a continuing obligation and that I shall, if at any time I become aware of any actual or potential conflict of interest, immediately make a further declaration and disclosure of the same to Council.
- 7) I declare and undertake that I am not aware of any actual or potential conflicts of interest save as is set out and disclosed in Schedule 2.
- 8) I, the person named below, confirm my understanding that by printing my name and lodging this declaration understand no physical signature is required on this Declaration and that by lodging this declaration electronically I am automatically providing an electronic signature for this Declaration in accordance with the Electronic Transactions Act 1999 (Cth) and corresponding state and territory acts.

Print Name: _____

Dated _____

Schedule 1

CONFLICTS OF INTEREST: ICAC GUIDANCE

To assist with determining when a conflict of interest arises, and the definition of a conflict of interest, the following guidance material has been prepared by the Independent Commission Against Corruption (ICAC).

A conflict of interest arises when individuals, in performing their responsibilities, are influenced or seen to be influenced by interests other than those relating to the project.

There will be occasions where the proper performance of an individual's project duties will affect a personal or other interest that he or she may also have. Such interests may be able to be valued in money terms. Other interests which are less direct and do not involve money may also be affected.

Everyone has interests which are personal to them or someone close to them and it is not just the possession of these interests which gives rise to a problem. Similarly, from time to time individuals will deal with a matter as part of their work which affects a personal interest that they have. Again, that in itself may not cause any difficulties if the conflict is resolved in favour of the public duty. It is inevitable that conflicts of interest will arise. It is important to emphasise that the mere fact that someone has a personal interest in a matter is not necessarily wrong. It is how the conflict is dealt with which can give rise to problems.

The first step is to recognise what situations could give rise to conflicts. Then the conflict must be resolved in favour of the public duty.

Pecuniary Interests

Pecuniary or financial interests may result from owning property, holding shares or positions in companies or trusts, debts owed to other people, receiving gifts, and income from working elsewhere as well as for the council, hospitality and sponsored travel. This list is not exhaustive.

It is not necessary for individuals to hold these interests themselves. A member of their family or close associate may hold them. This is seen to be the same as being an interest of the official because of the closeness of the relationship.

Suppose an official owned property adjacent to a block of land which was the subject of an application to council for development as an - industrial site. It is clear that the value of the official's property will be affected by the application. It would be reasonable to think that the official would be likely to be influenced by that when doing his or her job, and accordingly a conflict would arise.

Even though colleagues may accept that the official would put to one side the personal interest in the matter and determine the application on its merits, the appearance of a conflict is there. An outsider, or "reasonable person", could not have that same confidence. It is not necessary that an official would or will act in favour of their personal interest. If they are in a position of conflict, there is that temptation. The aim is to prevent situations arising.

Non-pecuniary Interests

These are the more straightforward and easily understandable cases where conflict may arise. There may also be interests which do not have a financial component that is non-pecuniary interests. These might include a personal interest arising out of relationships based on common interest such as sporting, social or cultural activities as well as family, sexual and other relationships.

Suppose that an individual is active in the local hockey club. An agency is considering offering a parcel of land to the club to expand the number of grounds and the employee is assigned the task of preparing a report on the matter. While the outcome may not be of any financial interest to her, it is of considerable personal interest. If it is reasonable to think that the officer could be influenced by an involvement with the club when writing the report, a conflict would arise.

Similarly, the old school of an individual is going to be affected by a nearby development. The council member is active with the school affairs although not a member of its Board or any committees. Is that interest one that could give rise to a conflict with the council member's public duty? Again the same test should apply. If he thinks, or a reasonable person would think, that he will be influenced by the fact that it affects his old school, there would be a conflict.

How Should Conflicts be Resolved?

The aim of resolving these conflicts is to prevent personal considerations from influencing the performance of public duty. Once conflicts have emerged they may be capable of resolution or avoidance by removing the source of the conflict or by making the interest public and thereby limiting the risk of personal interest prevailing over public duty.

The source of the conflict could be removed by requiring the individual to dispose of the interest which has caused the conflict.

Alternatively, it could be removed by an official being precluded from performing any project duties regarding the matter in which he or she has the interest.

If conflict is very serious disqualification from the project could be appropriate. Each of these three responses would have the effect of removing the source of the conflict.

Another way of avoiding conflicts may be to require disclosure or registration of all relevant interests. That information would then be public and others would be alerted to the interests. Consideration could then be given to whether there was a need to remove the source of that conflict as discussed in the previous paragraph.



Schedule 2

I disclose below any actual or potential conflicts of interest (please put 'NIL' if you have nothing to declare):
