Guiding Principle One

Ongoing commitment to The Capital Framework (TCF)

- The Territory continues to support TCF as the whole of government process for the upfront assessment of capital works funding proposals in the ACT.
- TCF delivers upfront rigor in needs analysis, identification of risks and delivery model assessment driving improved value for money outcomes in the Territory.
Guiding Principle Two

*Ongoing commitment to Early Contractor Involvement (ECI)*

- Under TCF, a range of delivery models are supported including Design and Construct (D&C) and variants including Design Construct Maintain (DCM).
- The Territory has achieved significant value for money and innovation using DC/DCM models and will continue to apply where assessed as suitable under TCF.
- There has been a move away from the use of traditional lump sum delivery and construct only models. It is expected that this trend will continue.
- The Territory supports Early Contractor Involvement (ECI) processes and opportunities to interact broadly with industry early in the project delivery process.
Guiding Principle Three

*Interactive Processes with Industry*

- There is recognition that early engagement with industry provides the opportunity to access industry expertise and innovation in capital works projects.
- The Territory seeks to continue these ECI processes including early interaction with industry during procurement.
Guiding Principle Four

Recalibration of Interactive Processes

- Industry has identified concerns in relation to some recent interactive tendering processes.
- Territory officials have taken this feedback on board and acknowledge that there are opportunities to recalibrate current interactive tender processes.
- Procurement and Capital Works (PCW) and Treasury have commenced discussions with other agencies in ACT Government to establish guiding principles in relation to interactivity and to identify recalibration options.
- Review of some recent procurements that involved early industry interaction.
- Research approaches used in other jurisdictions.
Recalibration of industry interaction could consider...

- **Project suitability** for an interactive process to the project delivery (eg. Apply to projects where there is a requirement to seek an innovative solution. Territory could identify aspects of the project where innovation is sought)
- The level of **reference design** provided in an interactive process (eg. Typically a reference design will be provided)
- **Level of design requested** from industry during an interactive process (eg. Could include basic schematics, block and stack diagrams and functional relationship diagrams up to finishes, fittings, and plant and equipment)
- Opportunities for **optional interactive processes** (eg. Interactive process offered at the discretion of the tenderer. Tenderer can determine the agenda)
- **Copyright Assignment arrangements** (eg. Tenderers to sign a Copyright Assignment Deed and provide a statutory declaration with evidence of payment to sub-consultants.)
- **Bid costs reimbursement** (eg. Applicability, circumstances and scale. Review other jurisdictions)
- **Intellectual Property** ownership (eg. Potential for Territory to purchase intellectual property through an intellectual property assignment to harness innovation from all bids).
- Use of **alternative forms of contract**. Eg. Engage preferred bid design team post RFT to develop up a DA level design (Possibly establish a Guaranteed Maximum Price then confirm with Guaranteed Construction Sum incorporating adjustments from design development).