

Tender Form

[Sale of Council's Sales Permit (to Get Cypress Sawlogs) only or in conjunction with sale of Tambo Sawmill]

PART 1 GENERAL

1.1 Interpretation

Expressions in this Tender Form that are defined in the Invitation for Tenders bear in this Tender Form the meanings ascribed in the Invitation for Tenders.

1.2 Completing the Tender Form

In completing this form, the Tenderer is not limited to the space upon the form. The Tenderer may include additional text via annexures to the schedules. So long as the Tenderer includes all information required by the Invitation for Tenders, the Tenderer may include any additional information the Tenderer considers relevant to the Tender.

PART 2 DETAILS OF TENDERER

[The following details must be completed by the Tenderer:]

ITEM	DETAILS IN BLOCK LETTERS
Tenderer's Full Name or Company Name	
Trading Name	
Registered Office Address	
Mailing Address	
Postcode	
ABN	
ACN	
Whether incorporated in Queensland	YES / NO (strikethrough which is not applicable)
Contact Person	
Contact Person Title	
Office Telephone	
Mobile Telephone	
Facsimile Number	
Email Address	

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Legal Entity of Tenderer - Is the Tenderer a sole trader, partnership, company limited by shares or other form of body corporate?

If an **individual**; please provide surname and given name(s):

Given Name(s)	Surname

If a **firm or partnership** - please give names and addresses of members:

Full Name	Address

If a **company** – please give names, addresses and positions of directors and company secretaries:

Full Name	Address	Position

If a company, does it sign with or without a company seal? Please indicate below which is the preferred method of signing (SELECT ONE):

With a company seal (witnessed)

A company with a common seal may execute a document if the seal is affixed to the document and the affixation is authenticated by signatures of (a) 2 x directors of the company, (b) 1 x director and a company secretary, or (c) for a proprietary company that has a sole director who is also the sole company secretary—that director.

OR

Without a company seal (signed)

A company may execute a document without a common seal if the document is signed by (a) 2 x directors of the company, (b) 1 x director and a company secretary, or (c) for a proprietary company that has a sole director who is also the sole company secretary—that director.

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If the Tenderer's Tender includes an offer to acquire the Tambo Sawmill:

Is the Tenderer a Foreign Person under the FIRB Act (Cwlth), and is the acquisition of the Tambo Sawmill by the Tenderer a notifiable action under the FIRB Act (Cwlth) ?

[Mark the relevant box applicable to the Tenderer's status under the FIRB Act]

- Yes, the Tenderer is a Foreign Person, and the acquisition of the Tambo Sawmill by the Tenderer is a notifiable action under the FIRB Act (Cwlth).
- Yes, the Tenderer is a Foreign Person, but the acquisition of the Tambo Sawmill by the Tenderer is not a notifiable action under the FIRB Act (Cwlth).
- No, the Tenderer is not a Foreign Person, and the acquisition of the Tambo Sawmill by the Tenderer is not a notifiable action under the FIRB Act (Cwlth).

PART 3 OFFER

3.1 The Tenderer offers to purchase the following asset/s of Council, in accordance with representations contained in this Tender and by entering the applicable Deeds, with the modifications (if any) specified in the Addenda identified in the Table of Addenda in this Part 3 and completed in accordance with Clause 6.7 of the Tender Conditions:

[Mark the applicable box]

- both Council's Sales Permit and the Tambo Sawmill
- Council's Sales Permit only

Table of Addenda (issued by Council to Tenderers)

Addendum No.	Addendum Date	Subject of Addendum

3.2 The Tenderer acknowledges and accepts that:

- (1) The DAF on behalf of the State is undertaking a review of the terms of Council's Sales Permit (excluding those relating to Sale Quantity, Compensation and the Expiry Date), pursuant to clause 23 of Council's Sales Permit, which review the DAF anticipates will be undertaken throughout 2023, and new permit terms distributed to the permit holder by 30 November 2023.
- (2) Pursuant to clause 23 of Council's Sales Permit, Council as the existing permit holder agrees:
 - (a) to participate and work constructively with the State in undertaking the review; and

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- (b) to consider signing a deed of variation to give effect to any agreed changes to Council's Sales Permit as a result of the review.
- (3) To the extent permitted by the DAF, Council will endeavour to inform the Tenderer, and, in due course, consult with the successful Tenderer, of the progress of, and, if applicable, the outcomes from, the DAF's review of Council's Sales Permit during the clause 23 review process.
- (4) If the Tenderer is the successful Tenderer, to the extent the DAF permits, the Tenderer agrees:
 - (a) to participate and work constructively with the State in undertaking the review; and
 - (b) to consider signing a deed of variation to give effect to any agreed changes to Council's Sales Permit as a result of the review.

3.3 If the Tenderer is offering to acquire, as a Separable Portion, Council's Sales Permit only, subject to section 4.4 of this Tender Form, the Tenderer notifies that it will be hauling and milling the Cypress Sawlogs it Gets under the novated Council's Sales Permit to the following sawmill:

Sawmill name:

Sawmill land street address:

Sawmill land real property description:

Owner of the sawmill land:

Operator of the sawmill:

3.4 Council's Current OHP

Mark the relevant box applicable to the inclusion or exclusion of the novation of Council's Current OHP, as part of the novation of Council's Sales Permit:

- Yes, the Tenderer requests that, subject to the consent of DAF, Council include the novation of Council's Current OHP, as part of the novation of Council's Sales Permit.

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- No, the Tenderer DOES NOT request that Council include the novation of Council's Current OHP, as part of the novation of Council's Sales Permit.

PART 4 GENERAL

4.1 Price

- (1) Schedule 1 specifies the Price that the Tenderer offers to pay to Council, for Clause 4.4(2) of the Tender Conditions, to acquire (as the case may be):
 - (a) each of Council's Sales Permit and the Tambo Sawmill; or
 - (b) only Council's Sales Permit.
- (2) In completing Schedule 1 to this Tender, the Tenderer has made the offer in Schedule 1 in compliance with, and the Tenderer accepts, Clause 4.5 of the Tender Conditions.

4.2 Tenderer's *Forestry Act* Sales Permit or equivalent interstate sales permit

Schedule 2 specifies:

- (1) details of any *Forestry Act* sales permit previously or currently held by the Tenderer; or
- (2) if the Tenderer has never held a *Forestry Act* sales permit, but has held or currently holds an equivalent permit, licence, or entitlement to get timber in another Australian State, details of such equivalent permit, licence, or entitlement to get timber in the other Australian State; and/or
- (3) if neither subsection (1) nor subsection (2) above applies, that the Tenderer does not currently hold, and has not ever held, either a *Forestry Act* sales permit or a permit/licence/other entitlement issued by another Australian State (acting through a government department or authority) for the getting of forestry products situated in that Australian State.

4.3 Tenderer's Fitness, Capability and Competency

- (1) Schedule 3 specifies the details about the Tenderer that demonstrates that:
 - (a) the Tenderer is a fit and proper person; and
 - (b) the Tenderer is capable of complying with the terms and conditions of a *Forestry Act* sales permit; and
 - (c) the Tenderer is capable and competent in Getting forestry products from sale areas within the Supply Zone allocated by the DAF, in compliance with a *Forestry Act* sales permit; and
 - (d) the Tenderer is capable and competent in operating and managing a timber sawmill, and, if applicable, the Tambo Sawmill.
- (2) The Tenderer confirms that it understands, and agrees that, if it is the successful Tenderer, it will comply with the terms and conditions of the novated Council's Sales Permit.

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4.4 Tenderer's Confirmation of Nomination of Tambo Sawmill for Value Determination

The Tenderer understands, accepts, and confirms, that the Tambo Sawmill:

- (1) under Council's Sales Permit, is; and
- (2) under Council's Sales Permit to be novated to the successful Tenderer, will continue to be, nominated as the location of the applicable sawmill for the purpose of the DAF determining the Value (royalties/price) payable by the successful Tenderer to the State under the novated Council Sales Permit for the Cypress Sawlogs actually Got, notwithstanding that under the novated Council Sales Permit:
- (3) the DAF may allocate to the successful Tenderer sale areas from anywhere within the Supply Zone; and
- (4) the DAF may permit or accept the successful Tenderer to utilize a sawmill at a different location from that of the Tambo Sawmill for hauling and milling of the Got Cypress Sawlogs.

4.5 Statements and Declarations by the Tenderer

The Tenderer makes the statements and declaration contained in the following completed and signed schedules:

- (1) Schedule 4 - Collusive Tendering/Statutory Declaration;
- (2) Schedule 5 - Conflict of interest.

4.6 Provision of Cover of Account (security)

- (1) If the Tenderer is the successful Tenderer, the Tenderer agrees to obtain from its financial institution the Cover of Account in favour of the State in the amount as required by the DAF under the Completed Deed to which the DAF is a party, and thereafter provide the Cover of Account to the DAF, for the purpose of giving effect to clause 8.1(a) of the (to be novated) Council's Sales Permit including as may be amended by the Completed Deed.
- (2) The Tenderer acknowledges and accepts that Council's Sales Permit may not specify the current monetary amount that the State will require the successful Tenderer (as the incoming party) to provide as the Cover of Account.
- (3) The Tenderer acknowledges and accepts that harvesting operations and the Getting of Cypress Sawlogs under the novated Council's Sales Permit is not permitted unless and until the required Cover of Account is provided to, and accepted by, the State.

4.7 Provision of Insurances

- (1) If the Tenderer is the successful Tenderer, the Tenderer agrees to have and maintain the following insurances that satisfy the requirements of clause 16 of the (to be novated) Council's Sales Permit, subject to such other amounts as the DAF requires in the Completed Deed to which the DAF is a party, to cover the successful Tenderer's operations under the (to be novated) Council's Sales Permit:
 - (a) workers' compensation insurance as required by law; and
 - (b) public liability insurance covering legal liability to third parties for bodily injury or property damage, for an amount not less than \$20,000,000.00 arising from any one

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event, or such other amount as may be reasonably required by the State in the Completed Deed to which the DAF is a party.

- (2) The Tenderer acknowledges and accepts that harvesting operations and the Getting of Cypress Sawlogs under the novated Council's Sales Permit is not permitted unless and until evidence of such insurances is provided to, and accepted by, the State.

4.8 Authority to Financial Institution and Additional Material

As required by Clause 4.6 of the Tender Conditions, accompanying this Tender Form are:

- (1) a signed financial institution enquiry authority in the form set out in Schedule 6, for Clause 4.6(2) of the Tender Conditions; and
- (2) the additional material identified in Clause 4.6(3) and (4) of the Tender Conditions as applicable to the Tenderer.

If signed on behalf of the Tenderer, the signatory warrants that he or she has the authority of the Tenderer to sign this Tender on its behalf, and enter the Deeds on its behalf.

NAME OF TENDERER	
NAME OF SIGNATORY IN BLOCK LETTERS	
SIGNATURE	
POSITION HELD WITH TENDERER	
DATE	

NAME OF WITNESS	
SIGNATURE	
ADDRESS OF WITNESS	

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SCHEDULE 1

[Tendered Price and Council's Current OHP]

[Tenderers are required to submit this schedule, fully completed and signed, as part of their Tender.]

- The Tenderer offers to pay Council the following Price for acquiring each of the Tambo Sawmill and Council's Sales Permit to Get Cypress Sawlogs:

Important Note: In acquiring Council's Sales Permit, the permit holder, as and when it Gets Cypress Sawlogs, is responsible, and liable, for paying the Value payable (namely, the royalties) to the State of Queensland (via the DAF) for the Getting of the Cypress Sawlogs. For more information, see General Information contained in Appendix 1 of the Invitation for Tenders document.

For acquisition of both Council's Sales Permit and the Tambo Sawmill:

For acquisition of Council's Sales Permit and the Tambo Sawmill	\$Price (amounts shown before the application of GST)
Price for the Tambo Sawmill	\$
Price for Council's Sales Permit	\$
Total tendered Price	\$
Deposit (10% of the Price for the Tambo Sawmill)	\$

For acquisition of Council's Sales Permit only, as a Separable Portion:

For acquisition of Council's Sales Permit only, as a Separable Portion	\$Price (amounts shown before the application of GST)
Price for Council's Sales Permit	\$
Total tendered Price	\$

NAME OF TENDERER	
SIGNATURE	
DATE	

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SCHEDULE 2

[The Tenderer's *Forestry Act* sales permit/s or equivalent interstate permit/licence/entitlement Details]

[Tenderers are required to submit this schedule, completed as applicable, and signed, as part of their Tender.]

PART 1: FORESTRY ACT SALES PERMIT

1. If the Tenderer has a current *Forestry Act* sales permit:

(a) Each currently held *Forestry Act* sales permit no., date and associated forestry product:

Sales permit no.	Date of sales permit	Forestry Product

(b) Mark the box for the circumstance/s that applies to the Tenderer in relation to each of its currently held *Forestry Act* sales permit:

[If the Tenderer has more than one current *Forestry Act* sales permit, the Tenderer is to insert reference to an annexure to its Completed Tender Form that sets out the below details for each currently held *Forestry Act* sales permit.]

For the Tenderer's current *Forestry Act* sales permit no. _____ :

As at the Tender submission date, the Tenderer is continuing to exercise its operational rights under, and in accordance with, the sales permit.

As at the Tender submission date, the Tenderer has ceased exercising its operational rights under the sales permit, for the following period and for the following reason/s:

Cessation Period:.....

Reason/s:

.....

.....

.....

.....

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As at the Tender submission date, the Tenderer (voluntarily or otherwise) has suspended exercising its operational rights under the sales permit, for the following period and for the following reason/s:

Suspension Period:.....

Reason/s:

.....

.....

.....

.....

(c) At any time during the period of 5 years prior to the Tender submission date, the Tenderer (voluntarily or otherwise) ceased exercising its operational rights under the following currently held sales permit, for the following period and for the following reason/s:

[If there is more than 1 operational cessation under the same, or different, currently held Forestry Act sales permit, the Tenderer is to insert reference to an annexure to its Completed Tender Form that sets out the below details for each currently held Forestry Act sales permit to which an operational cessation occurred.]

For the Tenderer's current Forestry Act sales permit no. :

Cessation Period:.....

Reason/s:

.....

.....

.....

.....

(d) At any time during the period of 5 years prior to the Tender submission date, the Tenderer (voluntarily or otherwise) suspended exercising its operational rights under the following currently held sales permit, for the following period and for the following reason/s:

[If there is more than 1 suspension under the same, or different, currently held Forestry Act sales permit, the Tenderer is to insert reference to an annexure to its Completed Tender Form that sets out the below details for each currently held Forestry Act sales permit to which a suspension occurred.]

For the Tenderer's current Forestry Act sales permit no. :

Suspension Period:.....

Reason/s:

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.....

2. If the Tenderer has previously held a *Forestry Act* sales permit:

(a) Each of the Tenderer's previously *Forestry Act* sales permit details:

Sales permit no.	Date of sales permit	Forestry Product	End date

(b) Mark the box for the circumstance/s that apply to the Tenderer in relation to each of its previously held *Forestry Act* sales permit:

[If the Tenderer has more than one previously held Forestry Act sales permit, the Tenderer is to insert reference to an annexure to its Completed Tender Form that sets out the below details for each previously held Forestry Act sales permit.]

For the Tenderer's previously held *Forestry Act* sales permit no. _____ :

- The Tenderer, in its exercise of its operational rights under the sales permit, complied with the conditions of the sales permit.
- During the period of the sales permit, the Tenderer ceased exercising its operational rights under the sales permit, for the following period/s and for the reason/s:

Cessation Period:.....

Reason/s:

.....

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- During the period of the sales permit, the Tenderer (voluntarily or otherwise) suspended exercising its operational rights under the sales permit, for the following periods and for the following reason/s:

Suspension Period:.....

Reason/s:

.....

.....

.....

.....

PART 2: EQUIVALENT INTERSTATE PERMIT/LICENCE/OTHER ENTITLEMENT TO GET TIMBER

1. If the Tenderer currently holds from another Australian State a permit/licence/other entitlement to Get forestry products situated in that Australian State (which is that State's equivalent to a *Forestry Act* sales permit):

- (a) Each currently held interstate permit/licence/entitlement details:

Description of interstate permit/licence/other entitlement	Permit/licence/other entitlement number and date	Australian State, including name of issuing State Government department and contact details	Forestry Product the subject of the interstate permit/licence/other entitlement

- (b) Mark the box for the circumstance/s that apply to the Tenderer in relation to each of its currently held interstate permit/licence/other entitlement:

[If the Tenderer has more than one current interstate permit/licence/other entitlement, the Tenderer is to insert reference to an annexure to its Completed Tender Form that sets out the below details for each currently held interstate permit/licence/other entitlement.]

For the Tenderer's current *interstate permit/licence/other entitlement* no. _____ :

- As at the Tender submission date, the Tenderer is continuing to exercise its operational rights under, and in accordance with, the interstate permit/licence/other entitlement.

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As at the Tender submission date, the Tenderer has ceased exercising its operational rights under the interstate permit/licence/other entitlement, for the following period and for the following reason/s:

Cessation Period:.....

Reason/s:

.....
.....
.....

As at the Tender submission date, the Tenderer (voluntarily or otherwise) has suspended exercising its operational rights under the interstate permit/licence/other entitlement, for the following period and for the following reason/s:

Suspension Period:.....

Reason/s:

.....
.....
.....

(e) At any time during the period of 5 years prior to the Tender submission date, the Tenderer (voluntarily or otherwise) ceased exercising its operational rights under the following currently held interstate permit/licence/other entitlement, for the following period and for the following reason/s:

[If there is more than 1 operational cessation under the same, or different, currently held interstate permit/licence/other entitlement, the Tenderer is to insert reference to an annexure to its Completed Tender Form that sets out the below details for each currently held interstate permit/licence/other entitlement to which an operational cessation occurred.]

For the Tenderer's current interstate permit/licence/other entitlement no. :

Cessation Period:.....

Reason/s:

.....
.....
.....

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- (f) At any time during the period of 5 years prior to the Tender submission date, the Tenderer (voluntarily or otherwise) suspended exercising its operational rights under the following currently held interstate permit/licence/other entitlement, for the following period and for the following reason/s:

[If there is more than 1 suspension under the same, or different, currently held interstate permit/licence/other entitlement, the Tenderer is to insert reference to an attachment to its Completed Tender Response Form that sets out the below details for each currently held interstate permit/licence/other entitlement to which a suspension occurred.]

For the Tenderer’s current interstate permit/licence/other entitlement no. :

Suspension Period:.....

Reason/s:

.....

2. If the Tenderer has previously held an interstate permit/licence/other entitlement:

- (a) Each of the Tenderer’s previously interstate permit/licence/other entitlement details:

Description of interstate permit/licence/other entitlement	Permit/licence/other entitlement number and date	Australian State, including name of issuing State Government department and contact details	Forestry Product the subject of the interstate permit/licence/other entitlement	End date

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(b) Mark the box for the circumstance/s that apply to the Tenderer in relation to each of its previously held interstate permit/licence/other entitlement:

[If the Tenderer has more than one previously held interstate permit/licence/other entitlement, the Tenderer is to insert reference to an annexure to its Completed Tender Form that sets out the below details for each previously held interstate permit/licence/other entitlement.]

For the Tenderer's previously held interstate permit/licence/other entitlement no. :

The Tenderer, in the exercise of its operational rights under the interstate permit/licence/other entitlement, complied with the conditions of the interstate permit/licence/other entitlement.

During the period of the interstate permit/licence/other entitlement, the Tenderer ceased exercising its operational rights under the interstate permit/licence/other entitlement, for the following period/s and for the reason/s:

Cessation Period:.....

Reason/s:

.....
.....
.....
.....

During the period of the interstate permit/licence/other entitlement, the Tenderer (voluntarily or otherwise) suspended exercising its operational rights under the interstate permit/licence/other entitlement, for the following periods and for the following reason/s:

Suspension Period:.....

Reason/s:

.....
.....
.....
.....

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PART 3: IF NEITHER PART 1 NOR PART 2 OF THIS SCHEDULE 2 APPLIES TO THE TENDERER

If the following circumstance applies to the Tenderer, mark the box:

- The Tenderer does not currently hold, and has not ever held, either:
- (a) a *Forestry Act* sales permit; or
 - (b) a permit/licence/other entitlement issued by another Australian State (acting through a government department or authority) for the getting of forestry products situated in that Australian State

NAME OF TENDERER	
SIGNATURE	
DATE	

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SCHEDULE 3

[Details of Tenderer's Fitness, Capabilities and Competencies]

[Tenderers are required to submit this schedule, fully completed and signed, as part of their Tender. The Tenderer should provide with (and if there is insufficient space, as an annexure to) the Completed Tender relevant documents to support the information provided by the Tenderer.]

Tenderer's Present Business

1. (a) How many years has the Tenderer been in business under its present business name and organisational structure?

No. of Years
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- (b) If the Tenderer (either as an individual, or through a 'related entity' as defined in the *Corporations Act 2001* (Cwlth) section 9) was in business under a different business name or different legal entity prior to its current business name or organisational structure, provide details of the prior business name or legal entity, the nature of the operations and why the Tenderer ceased operating under that business name or legal entity.

Capabilities and Competencies in Getting Forestry Products

2. Detail the experience the Tenderer has had in Getting Cypress Sawlogs under a *Forestry Act* sales permit:

No. of years experience	
Location of forestry operation	
Tenure of the land on which the forestry operation was undertaken	
The harvesting system used in that forestry operation	
The haulage system used in that forestry operation	

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The codes of practice applied in that forestry operation	
The safe work systems applied in that forestry operation	
Details, and status, of any notices of non-compliances, or show cause notices, issued to the Tenderer by the DAF, the Department of Environment and Science or any other government regulatory authority, regarding that forestry operation	

3. Detail the experience the Tenderer has had in Getting forestry products (other than Cypress Sawlogs) under a *Forestry Act* sales permit:

No. of years experience
The type of forestry product/s Got	
Location of forestry operation	
Tenure of the land on which the forestry operation was undertaken	
The harvesting system used in that forestry operation	
The haulage system used in that forestry operation	
The codes of practice applied in that forestry operation	
The safe work systems applied in that forestry operation	
Details, and status, of any notices of non-compliances, or show cause notices, issued to the Tenderer by the DAF, the Department of Environment and Science or any other government regulatory authority, regarding that forestry operation	

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4. Detail the experience the Tenderer has had in Getting Cypress Sawlogs under an equivalent interstate permit/licence/other entitlement:

No. of years experience
Location of forestry operation	
Tenure of the land on which the forestry operation was undertaken	
The harvesting system used in that forestry operation	
The haulage system used in that forestry operation	
The codes of practice applied in that forestry operation	
The safe work systems applied in that forestry operation	
Details, and status, of any notices of non-compliances, or show cause notices, issued to the Tenderer by any government authority in the applicable Australian State, regarding that forestry operation	

5. Detail the experience the Tenderer has had in Getting forestry products (other than Cypress Sawlogs) under an equivalent interstate permit/licence/other entitlement:

No. of years experience
The type of forestry product/s Got	
Location of forestry operation	
Tenure of the land on which the forestry operation was undertaken	
The harvesting system used in that forestry operation	
The haulage system used in that forestry operation	

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The codes of practice applied in that forestry operation	
The safe work systems applied in that forestry operation	
Details, and status, of any notices of non-compliances, or show cause notices, issued to the Tenderer by any government authority in the applicable Australian State, regarding that forestry operation	

Getting Cypress Sawlogs the subject of this Tender

6. Detail anticipated quantities of getting Cypress Sawlogs for remaining term of novated Council's Sales Permit:

Period	Period Sale Quantity (clause 1.1 of Council's Sales Permit)(Tonnes bark on)	Tenderer's anticipated quantity to be Got (Tonnes bark on) during a Period
5 year period from 1 Jan 2023 to 31 Dec 2027(Current Period)	28,000 Tonnes (bark on)	Tonnes (bark on)
5 year period from 1 Jan 2028 to 31 Dec 2032	28,000 Tonnes (bark on)	Tonnes (bark on)
5 year period from 1 Jan 2033 to 31 Dec 2037	28,000 Tonnes (bark on)	Tonnes (bark on)
Nominal Annual Sale Quantity	5,700 Tonnes (bark on)	Tonnes (bark on)

7. Detail how the Tenderer proposes to harvest the Cypress Sawlogs the subject of this Tender:
8. For the harvesting of Cypress Sawlogs the subject of this Tender, detail the harvesting operator's full legal name and principal place of business, names of directors and company secretaries, names of key

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employees and contractors (and contractor's employees) involved in the harvesting operation. If the harvesting operator is a company, include as part of the Tenderer's Completed Tender a copy of a recent ASIC current company search for the harvesting operator.

9. Detail how the Tenderer proposes to haul the Cypress Sawlogs the subject of this Tender:
10. For the hauling of Cypress Sawlogs the subject of this Tender, detail the hauling operator's full legal name and principal place of business, names of directors and company secretaries, names of key employees and contractors (and contractor's employees) involved in the haulage operation. If the haulage operator is a company, include as part of the Tenderer's Completed Tender a copy of a recent ASIC current company search for the harvesting operator.
11. Detail whether the Tenderer, or any directors or company secretaries or shareholders/members of the Tenderer, or any key employees or contractors (or key employees of a contractor) of the Tenderer who will be involved in the Getting of Cypress Sawlogs the subject of this Tender, has committed any offences which concern or relate to the Tenderer undertaking the business operations and activities the Tenderer has detailed in this schedule:

Name of person	<i>Details of the Offence</i>	Business operation or activity to which the offence concerned or related

12. Detail whether the Tenderer, or any directors or company secretaries or shareholders/members of the Tenderer, or any key employees or contractors (or key employees of a contractor) of the Tenderer who
-

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will be involved in the Getting of Cypress Sawlogs the subject of this Tender, has been determined by either:

- (a) the DAF to be not a 'fit and proper person' under a *Forestry Act* sales permit:

Name of person	<i>Forestry Act</i> sale permit no.	Date of DAF notice determining person to be not a 'fit and proper person'

- (b) an interstate government department/authority to be not a 'fit and proper person' under that State's legislative regime for the getting of forestry products:

Name of person	Interstate permit/licence/other entitlement description and number	Date of the interstate government department/authority's notice determining person to be not a 'fit and proper person'

Capabilities and Competencies in Operating a Timber Sawmill

13. Provide details that demonstrate the Tenderer's experience with operating and managing a sawmilling business (or equivalent type of business).

14. For operating the Tambo Sawmill, or the sawmill notified at section 3.2 of Part 3 of this Tender Form, as the case may be, if the sawmill operator is not to be the Tenderer, provide the following details:

Sawmill operator's full legal name and A.C.N. and ABN:

Sawmill operator's principal place of business:

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- 17.** Provide details of the Tenderer's proposed markets for the sawn Cypress timber to be produced at the Tambo Sawmill.
- 18.** Detail the Tenderer's financial history and capacity to pay accounts on time:
[The Tenderer should provide, as part of the Tenderer's Completed Tender, copies of the Tenderer's financial statements for the previous 3 financial years.]
- 19.** Provide details that demonstrate that the Tenderer knows and understands the obligations of being a permit holder of a *Forestry Act* sales permit:
- 20.** Explain what makes the Tenderer consider it is capable of complying with a *Forestry Act* sales permit:
[The Tenderer must provide details below or annex to its Completed Tender Form evidence that demonstrates that the Tenderer is capable of complying with the terms and conditions of a Forestry Act sales permit]

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21. Tenderer's List of Referees

Provide names and business hours telephone numbers of at least two referees who the proposed Tenderer has dealt with in the course of their business experiences detailed in this schedule 3 in the preceding 3 years.

Name:	Telephone:
Name:	Telephone:
Name:	Telephone:

22. In the below table, the Tenderer must disclose any relationship, which may exist between:

- (a) the Tenderer or any of the Tenderer's directors, members/shareholders, partners, employees, agents or contractors; and
- (b) the staff, agents or contractors of the Blackall-Tambo Regional Council.

NAME OF TENDERER	
SIGNATURE	
DATE	

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SCHEDULE 4

[Collusive Tendering/Statutory Declaration]

I, _____

solemnly and sincerely declare that:

Definitions

1. In this Statutory Declaration:

"bidders" means any tenderers for the acquisition of the Tendered Council Asset, and includes the Tenderer;

"Industry Association" means any organisation of which bidders are members;

"the Tenderer" means [insert full legal name of company, other body corporate, firm, or individual]; and

"Tender Price" means the Price indicated by a bidder as the highest amount for which that bidder is prepared to enter into the acquisition of the Tendered Council Asset.

"Tendered Council Asset" means, as applicable to each bidder's tender, either:

- (a) both Council's Sales Permit and the Tambo Sawmill; or
- (b) only Council's Sales Permit.

*Introduction

2. I am the Tenderer and make this declaration on my own behalf.

*Introduction

2.1 I hold the position of

[insert Managing Director or other title]

with the Tenderer and am duly authorised by the Tenderer to make this declaration on its behalf.

2.2 I make this declaration on behalf of the Tenderer and on behalf of myself.

*[*Delete alternative which is not applicable.]*

No Knowledge of Tender Price

3. Prior to the Tenderer submitting its tender for the acquisition of the Tendered Council Asset, neither the Tenderer, nor any of its employees or agents, had knowledge of the Tender Price or proposed Tender

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Price of any other bidder who submitted, or of any person, company, other body corporate or firm that proposed to submit, a tender for the acquisition.

Disclosure of Tender Price

4. Prior to the close of tenders for the acquisition of the Tendered Council Asset, neither the Tenderer, nor any of its employees or agents, disclosed the Tenderer's Tender Price to:
 - 4.1 any other bidder who submitted a tender for the acquisition of the Tendered Council Asset;
 - 4.2 any person, company, other body corporate or firm proposing to submit a tender for the acquisition of the Tendered Council Asset; or
 - 4.3 any person or organisation connected or associated with a bidder person, company, other body corporate or firm of a kind referred to in subsections 4.1 or 4.2 above.

Provision of Information

5. Neither the Tenderer, nor any of its employees or agents, has provided information to:
 - 5.1 any other bidder who has submitted a tender for the acquisition of the Tendered Council Asset;
 - 5.2 any person, company, other body corporate or firm proposing to submit a tender for the acquisition of the Tendered Council Asset; or
 - 5.3 any other people, company, other body corporate or firm for the purpose of assisting in the preparation of a tender for the acquisition of the Tendered Council Asset.

Genuine Competition

6. The Tenderer is genuinely competing for the acquisition of the Tendered Council Asset.

Industry Association Agreements

7. Neither the Tenderer, nor any of its employees or agents, has entered into any contract, agreement, arrangement or understanding, other than as disclosed to Council in the Tenderer's tender, that the successful bidder for the acquisition of the Tendered Council Asset will pay any money to, or provide any other benefit or other financial advantage to, an Industry Association in respect of the acquisition of the Tendered Council Asset.

Unsuccessful Tenderer's Fees

8. Neither the Tenderer, nor any of its employees or agents, has entered into any contract, agreement, arrangement or understanding that the successful bidder for the acquisition of the Tendered Council Asset will pay any money to, or provide any other benefit or other financial advantage to, any other bidder who unsuccessfully tendered for the acquisition of the Tendered Council Asset.

Qualifications to Tenders

9. Neither the Tenderer, nor any of its employees or agents, has entered into any contract, agreement, arrangement or understanding that bidders for the acquisition of the Tendered Council Asset would include an identical or similar condition or qualification in their tenders for the acquisition of the Tendered Council Asset.

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I acknowledge that this declaration is true and correct, and I make it in the belief that a person making a false declaration is liable to the penalties of perjury.

DECLARED by
(Signature of person making declaration)

at in the State of Queensland this day of 20

Before Me:

Signature:

Full Name:

Address:

Qualifications:

Tender Form

[Sale of Council's Sales Permit (to Get Cypress Sawlogs) only or in conjunction with sale of Tambo Sawmill]

WHO CAN WITNESS STATUTORY DECLARATIONS?

These persons are authorised to witness statutory declarations under Section 107A of the Evidence Act:

- A Justice of the Peace or a Bail Justice
- A Notary Public
- A barrister and solicitor of the Supreme Court
- A clerk to a barrister and solicitor of the Supreme Court
- The Prothonotary or a Deputy Prothonotary of the Supreme Court
- The Registrar or a Deputy Registrar of the County Court
- The Principal Registrar of the Magistrates' Court
- The Registrar or a Deputy Registrar of the Magistrates' Court
- The Registrar of Probates or an Assistant Registrar of Probates
- The Associate to a Judge of the Supreme Court or of the County Court
- The Secretary of a Master of the Supreme Court or of the County Court
- A person registered as a Patent Attorney under Part XV of the Patents Act 1952 of the Commonwealth
- A member of the Police Force
- The Sheriff or a Deputy Sheriff
- A member or former member of either House of the Parliament of Queensland
- A member or former member of either House of the Parliament of the Commonwealth
- A councillor of a municipality
- A senior officer of a Council as defined in the Local Government Act 2009
- A registered medical practitioner within the meaning of the Medical Practice Act 1994
- A dentist
- A veterinary surgeon
- A pharmacist
- A principal in the teaching service
- The manager of a bank
- A member of the Institute of Chartered Accountants in Australia or the Australian Society of Accountants or the National Institute of Accountants
- The secretary of a building society
- A minister of religion authorised to celebrate marriages
- A person who holds an office in the public service or in a statutory authority that is prescribed as an office to which this section applies
- A fellow of the Institute of Legal Executives (Queensland)

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SCHEDULE 5 [Conflict of Interest]

I have/We have/The Tenderer has

considered the implications of making this Tender and of acquiring Council's Sales Permit to Get Cypress Sawlogs and, if applicable to the Tenderer's Tender, the Tambo Sawmill, the subject to this Tender, and

either:

(a) am/are satisfied that no relationships exist between the Tenderer and any other company, body, association or like organisation or any individual or group of individuals who might have an interest in the subject of this Tender.

or

(b) have identified the following relationships, which might be considered as possible conflicts of interest:

(insert a statement of the relationships)

In the event of such relationships arising in the course of preparing a Tender or after having submitted a Tender, the parties will immediately inform the Council Contact Officer, who may take such action as necessary to ensure that the outcome of the tender process is not compromised.

NAME OF TENDERER	
AUTHORISED SIGNATURE	
DATE	

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SCHEDULE 6

[Tenderer's Enquiry Authority to its Financial Institution]

##insert date##

##insert name of financial institution##

##insert financial institution address##

**AUTHORITY TO FINANCIAL INSTITUTION TO INFORM AND DISCLOSE INFORMATION ABOUT THE CUSTOMER,
##INSERT NAME OF TENDERER##**

.....[name of Tenderer] (the **Customer**)

authorises the financial institution

.....[name of financial institution]:

to respond to, and disclose, fully and candidly, all information (with relevant supporting documentation) to answer enquiries made by Blackall-Tambo Regional Council's banker.

Signature:

Name of signatory:

Position:

Dated:

_____ *[End of Instrument]* _____