# Tender Schedule S10 – Ethical Supplier Threshold

It is a mandatory criterion that the Tenderer must comply with the Ethical Supplier Threshold (Threshold). Please provide the following details about the Tenderer:

From 1 August 2019, has the Tenderer:

|  |  |  |
| --- | --- | --- |
|  | Contravened a civil remedy provision of chapter 2 or chapter 3 of the *Fair Work Act 2009* (Cth), or committed an offence against the *Fair Work Act*? | Yes  No |
|  | Contravened a civil remedy provision of chapters 2, 3, 4, 5, or 7 of the *Industrial Relations Act 2016* (Qld), or committed an offence against the *Industrial Relations Act*, or failed to pay employment related levies, or other payments, established under the *Industrial Relations Act*? | Yes  No |
|  | Failed to make superannuation contributions on behalf of employees in accordance with law? | Yes  No |
|  | Purported to treat employees as independent contractors, where they are not? | Yes  No |
|  | Required persons who would otherwise be employees to provide an Australian Business Number so that they could be treated as independent contractors? | Yes  No |
|  | Engaged persons on unpaid work trials or an unpaid intern, where they should be treated as employees? | Yes  No |
|  | Entered into an arrangement for the provision of labour hire services with a person who is not licensed under the *Labour Hire Licensing Act 2017* (Qld), or a supplier who is an unlicensed provider under the Act? | Yes  No |
|  | Paid employee's wages below those provided for in an applicable modern award? | Yes  No |

If the response to any of the question above is ‘yes’, please provide details and confirm if the issue has now been resolved.

I confirm the response to the above questions is true and is to the best of my knowledge. I understand this tender may not be considered and the Tenderer’s prequalification status may be affected if I supply incorrect and / or misleading information.

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of individual signing on behalf of the tenderer: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Tenderers should note the following:

* Compliance with the Ethical Supplier Threshold is mandatory in order for a tender to be considered. Failing to comply with the requirements of the Ethical Supplier Threshold is a ‘substantial breach’ in accordance with Clauses 11.2(f) of the General Conditions of Contract.
* If the response to any of the questions above is ‘yes’, and without valid justification to the satisfaction of the Principal, the tender may be deemed as non-conforming.
* The Principal may obtain information about the Tenderer relevant to the Tenderer’s compliance with the Ethical Supplier Threshold that may be held by the QPP Compliance Unit or any Government Department or Instrumentality and take the information into account in assessing the tender.
* The Contractor acknowledges that a failure to comply with the Principal’s policies that apply to the work under the proposed contract or the Contractor's obligations under the proposed contract may result in the imposition of a demerit or sanction under the Ethical Supplier Mandate, in addition to any other remedies available to the Principal under this Contract.
* Once the contract is awarded, the Contractor is required to comply with the Ethical Supplier Threshold during the contract term. The Principal reserves the right to give a show cause notice if the Principal reasonably suspect the Contractor is not complying with the Ethical Supplier Threshold.

Definitions:

* Ethical Supplier Mandate means the Queensland Government Policy titled ‘Ethical Supplier Mandate’ or any policy that replaces that policy;
* Ethical Supplier Threshold means the Ethical Supplier Threshold in paragraph 2.3 of the Queensland Procurement Policy;
* Government Department or Instrumentality means any governmental regulator, including Work Health Safety Queensland, the Queensland Building and Construction Commission, the Fair Work Commission and the Australian Building and Construction Commission; and
* QPP Compliance Unit means the Queensland Procurement Policy (QPP) Compliance Unit, Office of the Chief Advisor – Procurement, Department of Housing and Public Works.