

CALL FOR EXPRESSIONS OF INTEREST

**Ship Preparation and Scuttling
of the Ex-HMAS Adelaide
as an Artificial Reef and Dive Site
off the NSW Central Coast**



Table of Contents

1	<u>THE PROJECT</u>	3
1.1	INTRODUCTION	3
1.2	BACKGROUND	3
1.3	CURRENT CONTEXT	3
1.4	SITE DESCRIPTION	4
2	<u>SCOPE OF WORKS</u>	5
2.1	GENERAL	5
2.2	ADVISORY SERVICES	6
3	<u>EOI PROCESS</u>	7
3.1	OVERVIEW	7
3.2	TARGET PROGRAM	7
3.3	ASSESSMENT CRITERIA	7
3.4	INFORMATION TO BE SUBMITTED	7
3.5	LODGEMENT	8
3.6	CONTACT PERSON	8
4	<u>GENERAL CONDITIONS</u>	9
4.1	COMPLIANCE WITH REQUIREMENTS	9
4.2	EXTENSION OF DEADLINE FOR LODGEMENT	9
4.3	CHANGES TO THIS CEOI DOCUMENT	9
4.4	CLARIFICATIONS	9
4.5	PROBITY	9
4.6	NO COLLUSION	9
4.7	CONFLICT OF INTEREST	10
4.8	COST OF PREPARING PROPOSALS	10
4.9	ENQUIRIES AND CLARIFICATIONS	10
4.10	ADDENDA	10
4.11	NSW GOVERNMENT PROCUREMENT POLICY	10
4.12	RESERVED RIGHTS	10
4.13	WAIVER	11
4.14	CHANGES TO CONSORTIUM MEMBERSHIP	11
4.15	INTELLECTUAL PROPERTY RIGHTS	12
4.16	FREEDOM OF INFORMATION	12
4.17	MATERIAL CHANGE IN CIRCUMSTANCES	12
	<u>APPENDIX A</u>	13

1 THE PROJECT

1.1 Introduction

In February 2007, the Australian Government announced that the ex-HMAS Adelaide would be gifted to the NSW Government for the purpose of creating an artificial reef and recreational dive site in waters off the NSW Central Coast near Terrigal.

As the only military wreck dive site in NSW, the project is expected to generate significant economic benefits for the Central Coast region, mostly in the areas of tourism and the hospitality industry. By creating an artificial reef, the project is also expected to enhance marine biodiversity and provide marine research opportunities for Newcastle University.

The Department of Lands is inviting Expressions of Interest from organisations that wish to be considered for the ship preparation and scuttling contract (including design of the ship as a dive site).

The Department of Lands intends to assess the submissions received in order to short-list organisations who may be invited to submit a tender in accordance with a technical and commercial specification.

1.2 Background

The HMAS Adelaide was a long-range escort frigate with roles including area air defence, anti-submarine warfare, surveillance, reconnaissance, and interdiction. Built in the United States, HMAS Adelaide was commissioned in November 1980 and was the first of six Adelaide class guided-missile frigates to be delivered to the Royal Australian Navy.

The ship is 138.1 metres long, with a beam of 14.3 metres and displacement of 4100 tonnes.

The HMAS Adelaide participated in the 1990/91 Gulf War, in peacekeeping operations in East Timor in 1999 and 2006, and was deployed to the Arabian Gulf in 2001 and 2004. The ship was also involved in the high profile search and rescue of solo yachtsmen Thierry Dubois and Tony Bullimore from the Southern Ocean in 1997.



Figure 1: HMAS Adelaide

Four former warships have already been scuttled as dive sites in Australia:

- ex-HMAS Swan and ex-HMAS Perth in Western Australia (in December 1997 and November 2001 respectively)
- ex-HMAS Hobart in South Australia (November 2002)
- ex-HMAS Brisbane in Queensland (July 2005).

In addition, the ex-HMAS Canberra is currently being prepared for scuttling in Victoria.

1.3 Current Context

The HMAS Adelaide was decommissioned by the Australian Navy in January 2008, and is currently located at the Royal Australian Navy's Fleet Base East in Sydney (Garden Island Dockyard) for demilitarisation, removal of fuels and oils, and cleaning of fuel and oil storages. Access is restricted to authorised persons.

The vessel is expected to be handed over to the NSW Government in mid-late 2008 for towing to an alternative site for further cleaning and removal of materials that could be hazardous to divers and marine life, making the ship safe and suitable for scuba diving, and preparing the ship for scuttling. Once ready, the vessel will be towed to the Central Coast site and scuttled. There is likely to be significant public and media interest in the scuttling.

The Department of Lands is currently project managing various activities associated with planning and approvals for the project, including site selection and environmental assessment studies.

1.4 Site Description

Terrigal is located on the Central Coast of New South Wales, approximately 1 hour's drive from the Sydney CBD (see Figure 2 for locality map).

Studies are currently in progress to select a suitable site to scuttle the ship, probably in around 30 metres of water off Terrigal between Terrigal Headland and Avoca Beach (see Figure 3).

Further details will be included in the technical specification at tender stage, but the study currently underway is seeking to identify a suitable site for scuttling the ship with the following general characteristics:

- a bare sandy bottom without extreme conditions (eg, no strong rips or currents)
- the ability to attract marine life to colonise the artificial reef
- appropriate depth to the seabed and underlying rock to ensure the scuttled vessel can penetrate into the sand and remain stable and upright
- meets navigational safety requirements
- minimal impact on commercial fisheries
- reasonable proximity to on-shore infrastructure for dive operators.



Figure 2: Locality Map

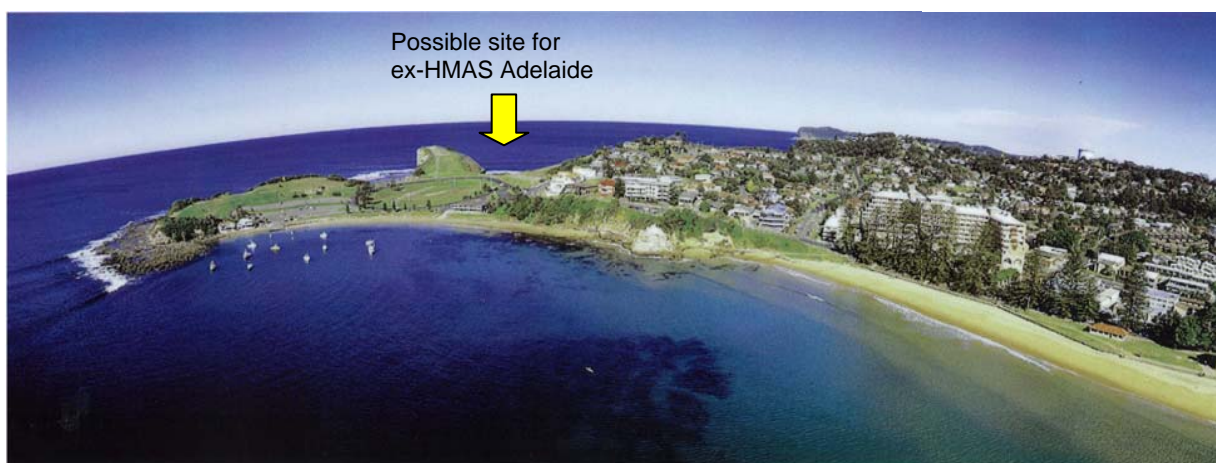


Figure 3: View of coastline near Terrigal

2 SCOPE OF WORKS

2.1 General

In summary, the works to be undertaken under the contract include (but are not limited to):

- Towing the vessel from Sydney to the contractor's nominated shipyard
- Design and documentation of the ship as a dive site
- Ship stripping, cleaning and preparation as a dive site (including environmental and safety aspects)
- Design of the scuttling process and preparing the ship for scuttling
- Towing the vessel to Terrigal for scuttling
- Managing the scuttling of the vessel
- All project management tasks related to the activities listed above
- Ensuring all relevant legislative and regulatory compliance requirements applicable to the works are met.

Further details of the scope of works follow:

Towing from Sydney

- Tow the ship from the Royal Australian Navy's Fleet Base East (Garden Island Dockyard, Sydney) to the location where the contractor will undertake ship preparation works, including obtaining all necessary approvals for the towing operation.

Dive Design

- Prepare design documentation, in consultation with stakeholders that demonstrates the optimum design of the vessel as a dive site.
- Ensure design is cost-effective, attractive to the dive industry, and suitable for different certification levels (eg, open water diver, advanced open water diver, wreck diver – recreational or technical trained, cave/penetration diver).
- Ensure dive designs meet all relevant safety standards and statutory requirements.

Ship Stripping / Cleaning and Preparation as a Dive Site

- Remove all fuels, oils and greases (hydrocarbons) from the vessel; remove other hazardous materials including heavy metals, batteries, asbestos, PCBs, and paints containing heavy metals and other marine-hazardous material.
- Dispose of all hazardous materials in an environmentally safe manner, meeting relevant guidelines and statutory requirements.
- Remove superstructure if required.
- Design ship modifications to produce a safe dive site, including cutting diver access holes into the sides of the hull, cutting holes in the floors and ceiling to allow extra vertical access between decks, cutting openings to allow light to penetrate, and sealing off areas where diver access will not be permitted for safety reasons.
- Make the ship safe as a dive site – eg by removing all machinery, cabling, insulation, non-structural partitions, hatches/doors, floatable material and other items that could create any sort of diver hazard or entanglement, and all objects that could break loose during the scuttling process or over time and block access ways or compartments.
- Remove items of historic or memento value for retention.
- Prepare the ship to the standard required for compliance with the *Environment Protection (Sea Dumping) Act 1981* and relevant guidelines and other statutory requirements, and in accordance with environmental and planning approvals for the project.

Design of Scuttling Process and Ship Preparation

- Design a scuttling process to ensure the vessel settles to the seabed with its structural integrity maintained, in an upright position in the correct location and orientation.
- Prepare the ship for scuttling, including placement of explosives and ballast, cutting of additional holes for air to escape, etc.
- Develop a Scuttling Management Plan addressing issues such as security, management of the sinking area, danger area/cordon, warning signals, and protection of marine life during the scuttling process.

Scuttling Implementation

- Tow the ship to the scuttling site and hold it in place for final scuttling preparations, including obtaining all necessary approvals for towing and mooring the ship.
- Manage site access and security in accordance with the Scuttling Management Plan.
- Scuttle the ship, noting that this event will generate major public and media interest.

Post-Scuttling

- Retrieve any debris after scuttling.
- Undertake a post-sinking safety inspection by suitably qualified divers to confirm the safety and security of the vessel on the seabed. Ensure that all charges have detonated and that there is no internal damage to the ship. Rectify any deficiencies.
- Supply and install a navigation/marker buoy to mark the location of the vessel to the requirements of Maritime NSW.

2.2 Specialist Services

Applicants are encouraged to engage specialist experienced service providers for all relevant aspects surrounding the design, preparation and scuttling of ships for use as dive wrecks and identify any such providers in the applicant's project team. Based on recent experience with other ex-naval vessels sunk as dive wrecks, the Department of Defence has provided a list of potential contacts to the Department of Lands, and applicants may obtain a copy of this list from the Project Manager.

3 EOI PROCESS

3.1 Overview

Following review of the expressions of interest received, the Department of Lands intends to form a short-list of organisations that will be invited to submit a detailed tender in accordance with a technical and commercial specification.

3.2 Target Program

An indicative program for the project includes the following key milestones:

Receive expressions of interest (EOI)	18 April 2008
Select short-list to be invited to tender	Mid May 2008
Receive tenders	Mid June 2008
Award contract	Late July 2008
Anticipated timing for scuttling the vessel	mid-late 2009

The Department of Lands reserves the right to vary the indicative program at its sole discretion.

3.3 Assessment Criteria

Submissions will be assessed against the criteria listed below. The assessment criteria may not be accorded equal weight and are not listed in any particular order:

- Demonstrated understanding of the scope of works
- Demonstrated capability to undertake the dive design, ship preparation and scuttling works
- Track record in delivering projects of similar size and complexity, including the capacity to manage and coordinate multi-disciplinary work teams and demonstrated performance in OHS and environmental management.
- Proposed personnel, including team members, sub-consultants and sub-contractors
- Demonstrated financial and corporate viability of the applicant and proposed sub-consultants and sub-contractors to fulfil contract obligations.

3.4 Information to be Submitted

Applicants are required to complete and lodge the Application Form included at Appendix A. As noted on the Application Form, applicants should submit details of the proposed organisational structure and allocation of roles and responsibilities for this project.

Applicants should also provide details of their claims against the nominated assessment criteria, in strict accordance with the limits in the following schedule:

Criteria	Comments
Demonstrated understanding of the scope of works	Maximum length 3 pages
Demonstrated capability to undertake the dive design, ship preparation and scuttling works	Maximum length 3 pages
Track record in delivering projects of similar size and complexity, including the capacity to manage and coordinate multi-disciplinary work teams	Maximum length 3 pages

Proposed personnel, including team members, sub-consultants and sub-contractors	Include details of up to 8 key personnel. CVs to be limited to 2 pages per person.
Demonstrated financial and corporate viability of the applicant and proposed sub-consultants and sub-contractors to fulfil contract obligations	Maximum length 2 pages

Applicants are invited to submit details of referees who are in a position to verify information submitted. In addition to the specific details noted above, applicants may also submit pre-printed project or corporate details which support their claims.

All of the requested information shall be provided by applicants in the form and length nominated. Any proposal which does not do so will be classified as non-conforming and will either be rejected or accepted conditionally or further clarification will be sought at the absolute discretion of the Department of Lands.

3.5 Lodgement

Three (3) hard copies of the EOI are required to be submitted as well as one (1) electronic copy in PDF format on CD. Applicants must complete the Application Form included at Appendix A. This form, together with the required information should be forwarded in a sealed envelope marked:

'Expression of Interest'
Ship Preparation and Scuttling of the Ex-HMAS Adelaide

PLEASE PLACE IN TENDER BOX'

and addressed as follows:

The Project Manager
Ex-HMAS Adelaide Project
Department of Lands
PO Box 2185
DANGAR NSW 2309

Alternatively, proposals can be delivered by hand and deposited in the tender box at:

Department of Lands
Level 2, 437 Hunter Street
Newcastle NSW.

Submissions must be received in the Tender Box at the Department of Lands no later than **2.00pm on Friday 18 April 2008**. Compliance with this condition is strictly the responsibility of respondents.

3.6 Contact Person

All enquiries in relation to this CEOI shall be directed to the Project Manager:

Ms Natalie Heise
Department of Lands
PO Box 2185
DANGAR NSW 2309

Tel: (02) 4920 5058
Fax: (02) 4925 3489
Email: natalie.heise@lands.nsw.gov.au

4 GENERAL CONDITIONS

By submitting a response to this Call for Expressions of Interest, the applicant acknowledges and accepts the conditions below:

4.1 Compliance with Requirements

Applicants must comply with the requirements set out in this Call for Expressions of Interest (CEOI). The Department of Lands may, at its absolute discretion, reject proposals that do not comply with this CEOI.

4.2 Extension of Deadline for Lodgement

The deadline set for lodgement of proposals will be extended only by written notice from the Department of Lands. Any extension notice will be given the same distribution as the original CEOI.

4.3 Changes to this CEOI Document

The Department of Lands reserves the right to amend the process and procedures set out in this CEOI document by notice in writing to applicants. Should this extend to altering the specific objective or extending the scope of this CEOI or in the event of a change being made that would substantially affect or alter the nature of this CEOI, the Department of Lands will issue Addenda which will apply to any amended process and procedures. All such Addenda shall become part of the CEOI Document. To the extent permitted by law, applicants will have no claim against the Department of Lands with respect to the exercise, or failure to exercise, of such rights. Information contained in this CEOI Document is subject to review and change without notice.

4.4 Clarifications

The Department of Lands reserves the right to request any applicant to clarify any aspect of the EOI that it submits in response to this CEOI Document. The Department of Lands may require an applicant to provide further information to the Department of Lands in relation to the applicant's EOI.

4.5 Probity

An applicant shall not offer any incentive to, or otherwise attempt to influence, any of the persons who are either directly or indirectly involved in the evaluation of proposals or in the short-listing process.

If the Department of Lands determines that an applicant has violated this condition, or the applicant is otherwise found to have engaged in such conduct, the applicant may be disqualified from further consideration at the absolute discretion of the Department of Lands.

Applicants should not respond to the CEOI unless they genuinely believe themselves to have the capability and capacity to undertake their proposals.

4.6 No Collusion

Applicants must not communicate, directly or indirectly, with any other applicants (including through any employees, agents or contractors) regarding the preparation, content or submission of proposals. Each proposal must be submitted without any collusion, or knowledge, in the preparation of or about any other

proposal. Submission of a proposal to the Department of Lands is deemed to be a representation and warranty by the applicant submitting that proposal that it has complied with the requirements of this paragraph. If the Department of Lands determines that an applicant has violated this condition, the Department of Lands is entitled to disqualify that applicant and to reject its proposal as being invalid.

4.7 Conflict of Interest

Any applicant with a real or perceived conflict of interest must declare that interest to the Department of Lands as soon as the conflict is identified. Where a conflict of interest arises, it must be assessed and resolved in favour of the public interest by the relevant parties. All applicants are required to ensure that their performance in respect of identifying, declaring and resolving any conflict of interest is beyond reproach.

4.8 Cost of Preparing Proposals

All costs and expenses incurred by any person or organisation (including, but not limited to, an applicant) in any way associated with this CEOI, will be borne entirely and exclusively by that person or organisation.

4.9 Enquiries and Clarifications

If an applicant finds any discrepancy, error or omission in this CEOI document or has any question or wishes to make any enquiry concerning this CEOI, it is to notify the Project Manager in writing (which may be sent by means of facsimile transmission or email) not less than 14 days prior to the deadline for lodgement of proposals. Answers to any such notices or questions may be given by the Department of Lands in the form of Addenda and issued to all known prospective applicants as indicated below.

4.10 Addenda

All amendments to this CEOI will be issued in the form of addenda before the deadline for lodgement of proposals. No explanation or interpretation of this CEOI may be relied upon by an applicant as an amendment to this CEOI, unless given in the form of addenda. Such addenda will become part of this CEOI.

4.11 NSW Government Procurement Policy

Where applicable, all applicants must comply with the *NSW Government Procurement Policy* including the *Code of Practice for Procurement*. Copies of the relevant documents are available online at www.treasury.nsw.gov.au/procurement.

Lodgment of a proposal will itself be an acknowledgment and representation by the applicant that it is aware of the requirements that the codes impose on applicants, that the applicant will comply with the codes and that the applicant agrees to provide periodic evidence of compliance with the codes and access to all relevant information to demonstrate compliance.

4.12 Reserved Rights

In addition to any reserved rights set out elsewhere in this CEOI document, the Department of Lands reserves the right, without assigning any reasons, to:

- terminate at any time further participation in this process by any party

- not shortlist any applicant
- proceed with the CEOI on a basis or on terms different to those described in this CEOI document
- terminate the process at any time or modify any aspect of this process, including, without limitation, the Department of Lands' objectives, the required format of proposals, the evaluation process, or the indicative timetable
- cancel, vary, supplement or supersede this CEOI, or any of the matters set out in it at any time
- postpone or delay the process
- publish the names of applicants and short-listed applicants.

4.13 Waiver

The CEOI document, and all statements and information made in relation to it, reflects the Department of Lands' current intention only. The information and intentions set out in the CEOI may change at any time without notice. Applicants proceed at their own risk.

The Department of Lands has endeavoured to provide accurate information in this CEOI. However, no warranties in that respect are given by the Department of Lands. The Department of Lands is not liable for any inaccuracies in any information in this document or in any information accompanying or referred to in this document or subsequently made available by the Department of Lands. The Department of Lands is not liable in relation to any claim that an applicant or any other person was disadvantaged by a lack of information or because any information provided to it was ambiguous or inaccurate.

The Department of Lands is under no obligation to give reasons for any decision made or not made in relation to this CEOI, including, but not limited to, any of the responses received.

There is no legal or other relationship between any applicant and the Department of Lands enforceable at the suit of the applicant arising from this document or the process outlined in it.

The risk, responsibility and liability connected with reliance by any applicant or any other person on this CEOI, or any other such information referred to or accompanying the document, or any written or oral statements made to any applicant or any person in connection with this CEOI, is solely that of each applicant. Each applicant must make its own independent evaluation of this document and documents or information accompanying or referred to in this document and the nature and extent of the CEOI, and all other relevant matters. Each applicant is solely responsible for obtaining its own independent financial, legal, accounting, engineering and other advice with respect to either the contents of this CEOI, or any information communicated or made available for inspection by the Department of Lands. Each applicant acts or relies on information in or accompanying or referred to in this document and any written or oral statements made concerning the CEOI, entirely at its own risk.

4.14 Changes to Consortium Membership

If an applicant is comprised of more than one person, whether the consortium has been formed specifically for the proposal or not, then applicants will be evaluated and short-listed on the basis of consortium structure and membership presented in the applicant's proposal. Following notification of short-listing, changes to consortium structure or membership will be permitted.

If consortium members change, written notification of changes to consortium structure or membership must be provided to the Department of Lands as soon as possible.

If key consortium membership of a short-listed applicant changes after short-listing, supporting evidence must be provided to the Department of Lands to demonstrate that the capability of the new consortium structure and membership meets or exceeds the capability of the consortium structure and membership presented in the applicant's proposal.

The Department of Lands reserves the right to re-evaluate short-listed applicants on the basis of new or diminished key consortium membership and to withdraw an applicant from short-listing on the basis of new or diminished consortium membership if they do not demonstrate the capability to meet the evaluation or exceed the capability of the consortium structure and membership presented in the

proposal.

Further conditions in relation to changes in consortium membership may be imposed by the Department of Lands at any time at its absolute discretion.

4.15 Intellectual Property Rights

This CEOI document is subject to copyright vested in the Department of Lands.

An applicant may copy or otherwise reproduce this document for the purposes of preparing and submitting its proposal.

A proposal becomes the property of the Department of Lands on submission and will not be returned to the applicant.

Any intellectual property rights that may exist in a proposal will remain the property of the applicant. Any element of a proposal considered by an applicant to carry any intellectual property right must be clearly identified by the applicant and the nature and right asserted and its owner clearly described. Where the Department of Lands, in its sole discretion, determines such elements are subject to such a right, then the Department of Lands will treat that element as protected.

The applicant licenses the Department of Lands (including its officers, employees, agents and advisors) to copy, adapt, modify, disclose or do anything else necessary, in the Department of Lands' sole discretion, to all material (including that material which contains intellectual property rights of the applicant or any other person) contained in its proposal, for the purposes of evaluating and clarifying the proposal and other proposals.

Should an applicant object to the use of its proposal in this way, the objection should be raised in the applicant's proposal and will be considered by the Department of Lands which reserves the right, in its absolute discretion, to reject or accept any objection. Otherwise, any right to object to such use of the proposal (including on the basis of confidentiality, copyright or other intellectual property rights) will be waived.

4.16 Freedom of Information

Proposals and any other information provided by applicants ('Information') are subject to the provisions of the *Freedom of Information Act 1989* ('the Act'). Applicants should note that the Act gives to members of the public rights of access to documents of the NSW Government and its agencies.

All or part of the information may be disclosed to third parties if there is a requirement to do so under the provisions of the Act. Any information that is commercially sensitive or confidential must be marked 'commercial and confidential'. This special notation must not be used unless the information is genuinely confidential. Marking information as 'commercial and confidential' will not necessarily prevent disclosure of the information in accordance with the Act. Any decision to release information will be determined by the requirements of the Act. Applicants will not be entitled to make any claim in relation to any actions taken in relation to, or under, the Act.

4.17 Material Change in Circumstances

Each applicant must promptly inform the Department of Lands in writing of any material change to any information contained in the applicant's proposal following lodgement of the proposal and of any material change in circumstances which may affect the truth, completeness or accuracy of any information provided in or in connection with the call for EOI.

The Department of Lands may also require applicants to confirm in writing that no such material changes have occurred.

APPENDIX A

SHIP PREPARATION AND SCUTTLING OF THE EX-HMAS ADELAIDE AS AN ARTIFICIAL REEF AND DIVE SITE OFF THE NSW CENTRAL COAST

EXPRESSION OF INTEREST

Respondent's Name:

Postal Address:

.....

Telephone: Fax:

Position:

Parent Company Name (if any):

Telephone: Fax:

If a proposal includes a consortium or joint venture, the requested information on each member, company or individual must be supplied on a separate sheet. Also an organisation chart showing the role, beneficial ownership and relationship of each of the participants must be provided.

Type of Organisation:

Place of incorporation / establishment:

Date of incorporation / establishment:

ACN:

Names, titles, addresses and background of Respondent, firm owners, directors, principals, partners, executive officers and major shareholders etc: (provide on additional sheet if necessary)

.....

.....

.....

.....

I/We hereby lodge the attached proposal with the Department of Lands for this Expression of Interest:

Signature of Respondent*:

Print Name:

Designation:

Address:

Duly authorised to sign for and on behalf of:

Dated thisday of 2008

* If the respondent is a consortium, an authorised person from each consortium member must sign this form.