

Commonwealth of Australia as represented by the Department of Industry, Science and Resources

s 47E(d)

Version 1.1: Correct as at ^{s47E(d)}

Any questions regarding this Expression of Interest should be addressed to:
TechInvestment@industry.gov.au

Lodgement of proposals

Closing time and date: 9.00am, Canberra time, on ^{s 47E(d)}

Proposals must be lodged electronically to TechInvestment@industry.gov.au.

A DISR approved file upload service is available to accept proposals that exceed 20 megabytes. Requests for this service is required at least 48 hours prior to the closing time above. Requests must be made in writing via TechInvestment@industry.gov.au

Expression of Interest

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General Information

1. Overview

Australia's National Quantum Strategy (the Strategy), released in May 2023, outlines the Australian Government's commitment to securing access to essential quantum infrastructure and materials

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2. Confidentiality

This Expression of Interest is open by invitation only and the process is confidential. It is a condition of receiving this Expression of Interest document and a condition of participation that respondents sign the Confidentiality Deed Poll provided by the Department. Respondents are reminded that this Expression of Interest process and all information provided by the Department under it is confidential.

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3. About this document

- a) This Expression of Interest is made up of:
 - (i) the clauses, which set out the conditions of responding to the Expression of Interest process;
 - (ii) Schedule 1, which sets out the information requested in a Statement of Requirements; and
 - (iii) Schedule 2, which sets out the information respondents need to include in their proposal.

4. Further information about this Expression of Interest

Respondents should direct any questions arising from preparing a proposal for this Expression of Interest or any requests for clarification in writing to TechInvestment@industry.gov.au

- a) The Department may refuse to answer any question received less than three business days before the closing time set out in clause 10 (Closing Time).
- b) Where appropriate, the Department will provide questions and answers to all organisations who have been invited to participate in the Expression of Interest process in accordance with clause 5 below without disclosing commercially sensitive information.
- c) If a respondent finds any discrepancy, error or omission in this Expression of Interest, it should notify the Department in writing before the Closing Time.

5. Respondents and Notices

- a) In the event that the Department elects to vary or supplement this Expression of Interest or change the conditions of the Expression of Interest, it will make reasonable efforts to inform respondents in accordance with this clause.
- b) Respondents may be informed by notices and other information issued as addenda via email.
- c) The Department will accept no responsibility if a respondent fails to become aware of any addendum.

What Respondents need to do

6. Respondent behaviour

- a) Respondents must not, and must ensure that their officers, employees, agents and advisors do not, in relation to the preparation, lodgement or assessment of the Expression of Interest:
 - (i) make false or misleading claims or statements;
 - (ii) improperly obtain confidential information;
 - (iii) receive improper assistance;
 - (iv) engage in collusive behaviour, anti-competitive conduct or other similar conduct with any other respondent or other person; or

- (v) attempt to improperly influence an officer of the Australian Government, an expert consultant or member of any expert advisory bodies engaged by the Australian Government to provide advice on this Expression of Interest process; or attempt to approach any Commonwealth officer other than in the manner set out in clause 5.
- b) The Department may, in its sole discretion, exclude a respondent from this process if the respondent fails to comply with these requirements.

7. Seek own advice

This Expression of Interest is not business, investment, legal or tax advice. Respondents should seek their own independent professional advice in respect of all matters in connection with this Expression of Interest.

8. Bear own costs

- a) All expenses and costs incurred by a respondent in connection with this Expression of Interest, including preparing and lodging a proposal, providing the Department with further information, giving presentations, attending interviews and participating in any discussions, are the sole responsibility of the respondent.
- b) The Department is not liable for any costs or other compensation in relation to a respondent's:
 - i. consideration of this Expression of Interest;
 - ii. lodgement of any proposal;
 - iii. participation in the Expression of Interest.

9. What the respondent needs to include

Respondents should include the following documents in their proposal for this Expression of Interest:

- (i) Completion of Schedule 2 – Proposal Requirements.

If a respondent does not complete Schedule 2 – Proposal Requirements, the Department may not consider the proposal.

9.1 Consortium proposals

A consortium should submit a single proposal to this Expression of Interest. Each entity/company of the consortium will be required to sign the Confidentiality Deed Poll provided by the Department.

Individual entities/companies may be part of multiple proposals/consortia.

10. Expression of Interest Closing Time and Date

- a) Expression of Interest proposals must be lodged before the Closing Time.
- b) The Closing Time is 9.00am, local time in Canberra, Australia on ^{s 47E(d)} _{s 47E(d)}
- c) The Department may refuse to consider a proposal responding to this Expression of Interest that is not lodged by email to TechInvestment@industry.gov.au or the Electronic Submission Method outlined in Clause 11.2 (c) by the Closing Time.

- d) The Department will accept a late proposal if the delay in the proposal being submitted is solely because of the Department's own mishandling.
- e) The Department will treat a proposal as being made within time if it is dispatched by email prior to the Closing Time or an upload commenced prior to the Closing Time, even though such a proposal might not be received until after the Closing Time.

11. How to lodge the Expression of Interest proposal

11.1 Electronic lodgement

Expression of Interest proposals must be lodged electronically via TechInvestment@industry.gov.au before the Closing Time and in accordance with the Expression of Interest lodgement procedures set out in this Expression of Interest documentation. Physical submissions will not be accepted.

11.2 File format, name and submission

- a) **File format:** Proposals should not be more than 50 pages and should be lodged in PDF. The Department may disregard a proposal that exceeds 50 pages or is not lodged in the required format, or require that such a proposal be relodged.
- b) **File names:** The proposal file name/s:
 - (i) should incorporate the respondent's company name; and
 - (ii) should reflect the requirements stated in Schedule 2.
- c) **Electronic Submission:** Expression of Interest proposal documents can be submitted by email at TechInvestment@industry.gov.au; or by the Department's file upload service. The Department notes it has a 20 megabyte limit per email for incoming emails. If required, instructions on managing this limitation are below.
 - (i) Multiple emails regarding a single proposal must be highlighted within the Subject field of submission emails and include the total number of emails being submitted as part of a single submission (e.g. [1/10]).
 - (ii) Upon request at least 48 hours prior to Closing Time, a Department approved and secure file upload service is available to accept proposals that exceed 20 megabytes. Requests for a file upload service must be made in writing via TechInvestment@industry.gov.au

12. After lodging the Expression of Interest proposal

12.1 Ownership of Expression of Interest proposals documents

- (a) All proposals become the property of the Australian Government on lodgement.
- (b) The Australian Government may use information it receives from respondents through the Expression of Interest for the purposes of:
 - (i) this Expression of Interest process;
 - (ii) understanding and evaluating the capability and readiness of respondents to meet the requirements in Schedule 1;
 - (iii) undertaking any subsequent process, negotiations or transactions including as a result of or related to this Expression of Interest;
 - (iv) identifying, refining and costing options and developing any strategies;

- (v) preparing any future requirements and procurement and grant documentation (including developing a statement of requirements for any future process);
 - (vi) considering proposals received in response to this Expression of Interest or any subsequent approach undertaken by the Australian Government;
 - (vii) negotiating and preparing any agreements with the respondent following this Expression of Interest or any future processes undertaken by the Australian Government; and
 - (viii) complying with any audit requirements and complying with governmental and parliamentary reporting requirements including requests for information by Parliament or Parliamentary Committees.
- (c) The Department reserves the right to share, discuss and negotiate with state and territory governments at any stage of the Expression of Interest process or any subsequent process (including for the purposes of considering proposals and making any decisions related to them as well as to clarify, quantify and finalise possible support measures in relation to a proposal).

Consideration Process

13. Screening

- (a) The Department may not consider a proposal for any reason, including if:
- (i) the proposal is lodged after the Closing Time;
 - (ii) the respondent does not complete Schedule 2 – Proposal Requirements Form;
 - (iii) the proposal includes electronic files that cannot be read or decrypted or that exceeds the combined file size;
 - (iv) the respondent does not comply with this Expression of Interest;
 - (v) the proposal is lodged electronically and is found to contain or believed to potentially contain a virus, worm or other disabling feature that might compromise the integrity or security of the Department’s computing environments.

14. Considering Proposals

- (a) s 47E(d)

In doing so, the Australian Government may consider the information provided by respondents in response to this Expression of Interest and any other information considered appropriate by the Australian Government.

- (b) Respondents should provide sufficient information in this Expression of Interest to enable the Australian Government to understand the respondent’s capability and capacity to deliver against the requirements in Schedule 1
- (c) The Department is under no obligation to provide feedback on proposals to this Expression of Interest.

15. Additional steps

15.1 Clarification, additional information and corrections

- (a) After the Closing Time, the Department may engage in any discussions with, or seek clarification on any matter from, any respondent.
- (b) The Department may require a respondent to submit additional information to allow further consideration of its proposal.
- (c) If the Department considers that there is an unintentional error of form in a proposal, the Department may give the respondent an opportunity to correct the error. If the Department give a respondent an opportunity to correct an unintentional error of form, it will give the same opportunity to all respondents in the same position.

15.2 Independent inquiries

- (a) The Department may make independent inquiries about any of the matters that may be relevant to the evaluation consideration of any proposal.
- (b) The Department reserves the right to contact respondents, or any other person associated with a proposal, directly and without notifying the respondents.

15.3 Security, probity and financial checks

- (a) The Department may conduct such security, probity and financial (including credit) checks as it deems necessary on respondents, their partners, associates or related entities (including consortium members) or their officers or employees, for the purpose of evaluating proposals to this Expression of Interest. These checks may require individuals to sign forms verifying information relating to that individual and authorising the provision of confidential or personal information.
- (b) Respondents must provide, at their own cost, all reasonable assistance required by the Department in undertaking and conducting the security, probity and financial checks.
- (c) The Department reserves the right to request financial statements and other information relevant to determining the financial viability of respondents, their partners, associates, or related entities including consortium members.

16. Important notices about this Expression of Interest

- (a) Proposals are made on the basis that each respondent acknowledges that:
 - (i) the Australian Government may approach other entities (including suppliers that have not responded to this Expression of Interest) to provide information relevant to the capability, including information the same or similar to that requested by this Expression of Interest;
 - (ii) the Australian Government may conduct other industry engagement activities and future procurement and grant processes in relation to the **s 47E(d)**
in which the respondent may or may not be invited to participate;
 - (iii) providing a proposal to this Expression of Interest does not of itself entitle, qualify or disqualify the respondent to be invited to participate in any future industry engagement activity or procurement or grant process;

- (iv) the Australian Government may decide not to engage in any further procurement process or may negotiate and/or contract for delivery of the Capability with any person whether or not they were a respondent to this Expression of Interest process;
 - (v) it has examined the Expression of Interest, any documents referred to in it, and any other information made available in writing by the Department to respondents for the purpose of participating in the Expression of Interest process;
 - (vi) this Expression of Interest is designed to summarise information concerning the Departments' requirement only and is not necessarily a comprehensive description of it;
 - (vii) to the maximum extent permitted by law, neither the Department, nor its employees, advisers or agents will in any way be liable to any person or body for any cost, expense, loss, claim or damage of any nature arising in any way out of or in connection with the statements, opinions, projections, forecasts or other representations, actual or implied, contained in or omitted from this Expression of Interest or by reason of any reliance on them by any person or body;
 - (viii) it has sought and examined all necessary information which is obtainable by making reasonable enquiries relevant to the Departments' requirement including the risks and other circumstances which may affect a proposal;
 - (ix) in lodging its proposal, it did not rely on any express or implied statement, warranty or representation, whether oral, written, or otherwise made by or on behalf of the Department other than as expressly contained in this Expression of Interest or an addendum to this Expression of Interest issued by the Department;
 - (x) it did not use the improper assistance of Australian Government employees;
 - (xi) it has satisfied itself as to the correctness and sufficiency of its proposal; and
 - (xii) it will comply with the terms and conditions set out in this Expression of Interest.
- (b) The Department believes the contents of this Expression of Interest to be accurate at the date of this Expression of Interest. The accuracy of any statements, opinions, projections, forecasts, representations or other information (Statements) contained in this Expression of Interest may change. Where any Statement relates to future matters, no steps have been taken to verify that the Statement is based on reasonable grounds, and, to the maximum extent permitted by law, no representation or warranty, expressed or implied, is made by the Department, or any of their officers, employees, advisers or agents that the Statement is accurate.
- (c) Nothing in this Expression of Interest, or the submission of any proposal for this Expression of Interest constitutes a contract (including as to process), express or implied, with the Australian Government.

17. Disclosure of Expression of Interest information

17.1 Freedom of information

Respondents should be aware that the Australian Government is subject to the operation of the *Freedom of Information Act 1982* (Cth), which allows public access to Government documents. Where a freedom of information application is made, the *Freedom of Information Act 1982* (Cth) provides avenues for submissions to be made that particular information about the business, commercial or financial affairs of an entity or undertaking should not be disclosed.

17.2 Confidentiality

- (a) Respondents may specify information contained in their proposal that they consider to be confidential information, and subject to this clause 17.3, the Australian Government will treat such information as confidential, and will only use that information for the purposes of the Expression of Interest process.
- (b) The Department may, without the need to notify any respondent, disclose or allow the disclosure of, at any time, any information provided by respondents, including their responses:
 - (i) to the Department's advisers or employees solely in order to evaluate or otherwise assess the proposal;
 - (ii) to the Department's internal management personnel for purposes related to the Expression of Interest process;
 - (iii) to the relevant Ministers;
 - (iv) in response to a request by a House or a Committee of the Parliament of the Commonwealth of Australia, if the circumstances provide for such a response and in consideration of commercial-in-confidence requirements the Australian Government considers it warranted;
 - (v) within the Department, or with another department or agency, or an agency of a state or territory government, where this serves the Commonwealth's legitimate interests;
 - (vi) where information is authorised or required by law to be disclosed; or
 - (vii) where the information is in the public domain otherwise than by a Commonwealth disclosure.

17.3 Australian National Audit Office

- (a) The attention of respondents is drawn to the *Auditor-General Act 1997* (Cth), which provides the Auditor-General or an authorised person with a right to have, at all reasonable times, access to information, documents and records.
- (b) Respondents should obtain, and will be deemed to have obtained, their own advice on the impact of the *Auditor-General Act 1997* (Cth) on their participation in the Expression of Interest process.

18. Australian Government's rights

Without limiting its rights at law or otherwise, the Department may:

- (a) amend this Expression of Interest or any future processes undertaken in relation to the Capability (including the requirements for the capability);
- (b) suspend, discontinue, or terminate the Expression of Interest process or any subsequent process that may result from this Expression of Interest at any time, including where the Department consider that it is in the public interest to do so;
- (c) approach other entities (including suppliers that have not responded to, or been invited to respond to this Expression of Interest) to the Capability, including information the same or similar to that requested by this Expression of Interest;
- (d) conduct other industry engagement activities and future procurement and grant processes in relation to [s 47E\(d\)](#)

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in which the respondent

may or may not be invited to participate;

- (e) not conduct any further process or approach to market after this Expression of Interest;
- (f) negotiate and/or contract with any person (including suppliers who have not responded to, or been invited to respond to, this Expression of Interest) for delivery of the Capability;
- (g) require additional information or clarification from any respondent or anyone else;
- (h) provide additional information or clarification;
- (i) change the structure and timing of the Expression of Interest process; and
- (j) vary or extend any time or date in this Expression of Interest at any time and for such period as the Departments in their absolute discretion considers appropriate. The Departments will issue an addendum notifying any decision to extend.

19. Relevant laws

- (a) The law applying in the Australian Capital Territory applies to this Expression of Interest and to the Expression of Interest process.
- (b) Each respondent must comply with all relevant laws and Commonwealth policy in preparing and lodging its proposal and taking part in the Expression of Interest process.

20. Dictionary

In this Expression of Interest, unless the contrary intention appears:

Australian Government means the Commonwealth of Australia.
Capability s 47E(d)

Closing Time means the Closing Time specified on the front page of this Expression of Interest, as amended by any addendum in accordance with clauses 4 and 10 of the Expression of Interest.

Department means the Commonwealth of Australia as represented by the Department of Industry, Science and Resources.

Expression of Interest means this request seeking proposals.
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Schedule 1 – Statement of Requirements

Australia's National Quantum Strategy (the Strategy), released in May 2023, outlines the Australian Government's commitment to securing access to essential quantum infrastructure and materials (Theme 2) **s 47E(d)**

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Requirements

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Schedule 2 – Proposal Requirements

Respondents should complete and submit a proposal in the format set out in Schedule 2. The Respondent is requested to submit a proposal document in PDF.

Proposals should include a completed proposal coversheet (template below); as well as a respondent profile, response to the statement of requirement, and funding and support requirements information per the proposal requirements detailed below. The total proposal should be limited to not more than 50 pages. NB: proposals should include any assumptions made, be sufficiently detailed of the respondent’s proposals to enable government decision-making.

Proposal coversheet

1. Respondent name

If a company	Company name	
	ACN or equivalent	
If a partnership	Trading name (if any)	
	Full name of partners	
If a sole trader	Trading name	
	Full name of sole trader	
If any other type of organisation	Name of organisation	
	Type of organisation	

2. ABN or equivalent

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3. Contact for liaison and notices

Name	
Postal Address	
Telephone	
Facsimile	
Email	

4. Small to medium enterprise

Is the respondent a small to medium enterprise (i.e. an entity employing fewer than 200 full time equivalents)?

Y/N

Is the Respondent a small business (i.e. an entity employing fewer than 20 full time equivalents)? Note: If the enterprise is associated with one or more other entities, this test is applied to the group of associated entities as a whole.

Y/N

5. Conflicts of interest

The respondent confirms that there are no circumstances or relationships which constitute or may constitute a conflict or potential conflict of interest in relation to this Expression of Interest or the Respondent's obligations under any contract resulting from this Expression of Interest other than:

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The Respondent undertakes to advise the Departments in writing of any additional actual or potential conflicts of interest immediately after becoming aware of it.

6. If the respondent is lodging a proposal for a consortium, details of the consortium arrangement, and all members of the consortium.

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7. Details of its enterprise profile, including the size, location of sites and principal locations.

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8. Executive Summary

Please provide an Executive Summary of your proposal (no more than 1000 words).

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9. Responses to Requirements

Please indicate how your proposal answers or responds to each of the requirements set out in Schedule 1.

10. Confirmation

10.1 The Respondent warrants that neither the Respondent nor any of its officers, employees, agents, and subcontractors has, in relation to the preparation, lodgement or assessment of the proposal:

- (a) improperly obtained confidential information;
- (b) received improper assistance;
- (c) engaged in collusive tendering, anti-competitive conduct or other similar conduct with any other respondent or other person; or
- (d) attempted to improperly influence an officer of the Australian Government, an expert consultant or member of any expert advisory bodies engaged by the Australian Government to provide advice on this Expression of Interest process; or attempt to approach any Commonwealth officer other than in the manner set out in clause 4.

10.2 The Respondent notes that giving false or misleading information is a serious offence, and confirms that all information in its proposal is true and correct in every material respect.

11. Signature on behalf of Respondent

[Note: To be signed by the Respondent personally, or if the Respondent is not an individual, by someone authorised to sign on behalf of the Respondent, e.g. managing director. If the proposal is being provided on behalf of a consortium, the respondent warrants that it has made relevant inquiries of the consortium members in providing the proposal.]

By signing this document, the respondent declares that it agrees to the terms and conditions of this Expression of Interest, including the rights of the Departments and Australian Government set out in the Expression of Interest and that it has complied with the matters set out at clause 12 of this Schedule 2.

Signature

Name

Position
