Ballina Shire Council - Contract Register

Government Information (Public Access) Act 2009 No 52 - (27) Register of government contracts valued at \$150,000 or more

Class 2:

30 Additional information for class 2 contracts

- (1) Additional information is required to be entered in the government contracts register for class 1 contracts to which any of the following paragraphs applies (class 2 contracts)—
 - (a) there has not been a tender process, the proposed contract has not been made publicly available and the terms and conditions of the contract have been negotiated directly with the contractor,
 - (b) the proposed **contract** (whether or not made publicly available) has been the subject of a tendering process and the terms and conditions of the **contract** have been substantially negotiated with the successful tenderer,
 - (c) the obligations of one or more parties under the contract to maintain or operate infrastructure or assets could continue for 10 years or more,
 - (d) the contract involves a privately financed project as defined by guidelines published by the Treasury (as in force from time to time),
 - (e) the contract involves a transfer of a significant asset of the agency concerned to another party to the contract in exchange for the transfer of an asset to the agency.
- (2) The additional information required to be entered in the register for class 2 contracts is as follows—
 - (a) particulars of future transfers of significant assets to the State at zero, or nominal, cost to the State, including the date of their proposed transfer,
 - (b) particulars of future transfers of significant assets to the contractor, including the date of their proposed transfer,
 - (c) the results of any cost-benefit analysis of the contract conducted by the agency,
 - (d) the components and quantum of the public sector comparator if used,
 - (e) if relevant, a summary of information used in the contractor's full base case financial model (for example, the pricing formula for tolls or usage charges),
 - (f) if relevant, particulars of how risk, during the construction and operational phases of a **contract** to undertake a specific project (such as construction, infrastructure or property development), is to be apportioned between the parties, quantified (where practicable) in net present-value terms and specifying the major assumptions involved,
 - (g) particulars as to any significant guarantees or undertakings between the parties, including any guarantees or undertakings with respect to loan agreements entered into or proposed to be entered into,
 - (h) particulars of any other key elements of the contract.

Number	Future transfers of significant assets to the State at zero, or nominal, cost to the State	Date of proposed transfer	Results of any cost- benefit analysis of the contract	Components and quantum of the public sector comparator (if used)	Summary of information used in the contractor's full base case financial model	How risk will be apportioned	Guarantees or undertakings between the parties	Other key elements
Nil								