




AUSTRALIAN NATIONAL
BOTANIC GARDENS

Alive with discovery

*Limited (Select) Project Competition
for the Design of*

THE IAN POTTER
National Conservatory
in the Australian National Botanic Gardens, Canberra

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1 The Competition

This is a Limited Project Competition to select an architect and their nominated team, to design *The Ian Potter National Conservatory* at the Australian National Botanic Gardens in Canberra (ANBG).

The winning design will be for a contemporary conservatory that matches the Design Brief, including the aspirational, space, technical and visitor experience requirements and the available budget.

The ANBG intends to engage the winning architect to develop their design concept for approval and for construction. Completion of the Conservatory is currently scheduled for February 2018. The ANBG reserves the right not to appoint an architect through this process.

1.1 About the Client – Australian National Botanic Gardens

The Client for this project is the Australian National Botanic Gardens.

The ANBG is a nationally and internationally renowned botanic garden. Opened in 1970, the ANBG has been studying and promoting Australian plants and related flora for over 40 years, and has stewardship of the world's most comprehensive collection of living Australian native plants.

The ANBG has a strong reputation for scientific and horticultural research and for its important contribution to the understanding, conservation and sustainable use of Australia's plant diversity. As a national scientific and educational institution, it is recognised for its lead role in disseminating knowledge and information about Australian plants.

The ANBG is a Commonwealth reserve managed by the Director of National Parks in accordance with the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

1.2 Professional Endorsement

This Competition has been endorsed by the Australian Institute of Architects and the Australian Institute of Landscape Architects.



1.3 Professional Adviser

The Professional Adviser for the Competition is Annabelle Pegrum AM LFRAIA. She has extensive experience in the development and conduct of nationally significant competitions. The Adviser is not a member of the Jury or of the ANBG (biography at **Appendix D**).

The Professional Adviser has prepared the Design Brief and is responsible for the conduct of the Competition on behalf of the ANBG. The Professional Adviser is the point of contact for the competitors and the decision maker for all administrative matters associated with the Competition.

Professional Adviser email: conservatorycompetition@anbg.gov.au

1.4 A Two Stage Selection Process

This is a two stage selection process:

- » **STAGE ONE:** A national call for Expressions of Interest (EOI) from eligible architects (and their multi-disciplinary teams) to be considered as Entrants in the select Competition.

The EOI closes at 4pm AEST Thursday 5 May 2016

- » **STAGE TWO:** Up to four Entrants will be selected from the EOIs to participate in the Competition.

The Select Competition closes on Thursday 7 July 2016

Key Dates for the Expression of Interest, the select competition and for post competition services are at **Section 2.6**.

1.5 Project Budget

Project funding of \$5 million and a project construction budget of \$4 million inclusive of fees, but exclusive of GST.

A preliminary assessment of the brief has been undertaken by the ANBG quantity surveyor for this project — WT Partnership.

The winning design will be subject to value management prior to application for Works Approval from the National Capital Authority — the Commonwealth statutory agency responsible for the planning and development of Canberra in accordance with its national significance.

2 Stage ONE: Expressions of Interest

2.1 Invitation to Express Interest

The Australian National Botanic Gardens, is pleased to invite Expressions of Interest from eligible architects and their design teams, to be considered as Entrants in the select design Competition for The Ian Potter National Conservatory at the Australian National Botanic Gardens in Canberra. Up to four teams will be selected to participate in the Competition.

The Conservatory will be a national and international showcase for tropical Australian native flora. It will define the Gardens as the leading conservator of such plants contributing to its mission *'to inspire, inform and connect people to the Australian flora'*.

The architecture of the Conservatory and its landscape setting will inspire and delight and establish a landmark brand for the Australian National Botanic Gardens. It will be a prime destination in the Gardens, the one place that must be seen, the best place to take a photograph and a much desired venue for functions and celebrations.

2.2 Eligibility to Express Interest

The ANBG is seeking Expressions of Interest (EOI) from multidisciplinary design teams, led by an Australian architect, with experience in complex buildings and exhibition (or similar) design.

ELIGIBLE TEAMS WILL:

- » be led by an architect registered in Australia
- » at a minimum the team will include:
 - > a landscape architect with horticultural knowledge of Australian native tropical plants and plant physiology (or be supported by a horticulturist with this expertise)
 - > an engineer with experience in sensitive environmental controls and glazing systems
 - > an exhibition designer (or similar).

The following people are NOT ELIGIBLE to express their interest or to participate as members of teams in this select competition:

- » Jury members
- » The Client
- » The National Capital Authority
- » The Professional Adviser and any person involved in the preparation or organisation of the Competition
- » A family member, associate or employee of any of the above, except where the Professional Adviser formally documents that the Entrant has declared the relationship and substantiated, in writing, that the circumstances of the relationship do not give that entrant any actual or potential advantage over other entrants
- » Students of design may assist the teams, but are ineligible to participate in their own capacity.

2.3 EOI Submission Requirements

The EOI submission shall:

- » Nominate the team name
- » Nominate the lead architect. This person will represent the team and be the primary point of contact for the ANBG. The lead architect must be an Australian citizen registered as an architect in Australia. Should the team be successful this person will be required to be registered as an architect in the Australian Capital Territory
- » Include a statement to describe what makes the team a 'right and best fit' for this project
- » Outline the team's appreciation of the project and its broad approach to the design of the Conservatory
- » Provide details of the team composition and proposed governance structure by:
 - > completing the pro-forma (**Appendix A**) nominating team members, their respective roles in the project, contact details and capacity to complete the work to meet the post-competition Key Dates (refer **Section 2.6**)
 - > including a diagram illustrating the roles and relationships of the team members
- » Demonstrate the capability of the lead architect in directing and managing the design, documentation and contract administration of projects of similar scale and complexity including:
 - > details of three projects
 - > two referees (relevant to the project)
- » Describe the team capability and experience in the design of similar projects including:
 - > details of at least one project per team member
 - > one referee per team member
- » Demonstrate team experience in the design of sensitive environmental controls and glazed building systems.

Because of the competitive nature of the selection process, people may be members of more than one team only with the written agreement of the lead architect of that team.

EOIs must not exceed ten (10) A4 pages (portrait or landscape) — excluding the pro-forma. Text shall be no less than 11 point font.

File names should be meaningful: they should incorporate the Entrant's name and, if the submission comprises multiple files, should reflect the parts of the EOI they represent.

Submissions should be completely self-contained: the Professional Adviser may decline to accept or consider hyperlinked or other material incorporated by reference.

The EOI submission must be in PDF format with a maximum file size of 10MB.

EOIs must not include a design proposal or a fee proposal.

*EOIs are to be lodged on AusTender by
4pm AEST Thursday 5 May 2016.*

2.4 EOI Selection Criteria

In deciding the Entrants in the design competition the Client Selection Panel will consider:

- » Demonstrated capability of the lead architect in directing and managing the design, documentation and contract administration of projects of similar scale and complexity
- » Team composition and governance structure including demonstrated capability and experience in the design of similar projects of a complex and specialised nature
- » Demonstrated experience in sensitive environmental controls and glazed building systems
- » Project appreciation and design approach.

The selection criteria are not weighted.

2.5 Client EOI Selection Panel

EOIs will be considered and the short list of Entrants selected by representatives of the Select Competition Jury (refer **Section 3.5**) and representatives of the Client.

The EOI Selection Panel members are:

- » Prof. Richard Johnson AO MBE LFRAIA (Chair of the Jury)
- » Wendy Lewin (member of the Jury)
- » Dr Judy West (ANBG Executive Director and member of the Jury)
- » Craig Cosgrove (ANBG Manager Major Projects)
- » Peter Byron (ANBG General Manager).

Decisions of the EOI Selection Panel are final and are not subject to feedback or to any judicial review, and no appeals concerning the short list of Entrants selected will be considered.

FROM THE EOI RECEIVED, UP TO FOUR TEAMS WILL BE INVITED AS ENTRANTS TO PARTICIPATE IN THE SELECT DESIGN COMPETITION.

2.6 Key Dates

Expressions of Interest Key Dates	
2016	
Call for EOI / competition documents available	Thursday 7 April
EOI submission closes / lodged on AusTender	4pm AEST Thursday 5 May Late responses will not be considered
Shortlist Entrants Notified — by telephone and confirmed by email	4pm AEST Friday 13 May
Entrants Names Published on ANBG website	Monday 16 May

Select Competition Key Dates

2016

Competition Commences / issue of any supplementary documents	Monday 16 May
Accompanied Site Visit (non-mandatory) <i>Professional Adviser and Craig Cosgrove, ANBG Manager Major Projects</i>	11am – 12.30pm AEST Friday 20 May
Question Period Closes The Professional Adviser will answer all questions about the competition: conservatorycompetition@anbg.gov.au	4pm AEST Monday 23 May
Final Answers emailed from the Professional Adviser to the Entrants	Wednesday 25 May
Competition Closes / submissions lodged on AusTender	4pm AEST Thursday 7 July
Presentations to the Jury in Canberra	Wednesday 13 July
Announce Winning Design / Jury report published on ANBG website	Monday 18 July
Payment of honoraria and prize money	Thursday 18 August
Exhibition of entries on ANBG website	July (end)

Post Competition Key Dates

2016

Engage Architect / Confirm Construction Delivery Procurement	Monday 25 July
Preliminary Design and Display Development Budget Appraisal / Value Management	August (end)
Revised Design and Display / Budget Confirmed Commence Tender Documentation	September (end)
Lodgement of Works Approval for Design	November (mid)
Works Approval Received / Issue Tender invitation	December (end)

2017

Review Tenders / Select and Contract Builder	February (end)
Site Establishment / Construction Start	March
Fitout and Display Installation	November

2018

Building Completion / Official Opening	February (end)
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3 Stage TWO: The Select Project Competition

Up to four teams will be selected from the EOI as Entrants in the design competition.

3.1 Honorarium

An honorarium of \$10,000 (inclusive of GST) will be paid to each Entrant in the select competition. The winner of the competition will receive an additional \$5,000 (inclusive of GST). Entrants are responsible for deciding how they will share the honoraria with their team members.

The honoraria and the winner's prize are additional to agreed professional fees for any post-competition services.

3.2 The Design Brief

The design brief has been prepared in collaboration with the ANBG.

The brief includes the project aspirations; key statements regarding architectural identity and exhibition thematic intent; the anticipated visitor demographic and experience; site and setting parameters; building, space, technical, exhibition and operational requirements; and an indicative conservatory plant schedule.

The brief also nominates the Post-Competition scope of work anticipated for the winning architect and their team and the associated National Capital Authority approval requirements.

3.3 Competition Resources

The competition resources include the ANBG Master Plan; the Conservatory site survey; the preliminary geotechnical report; and photographs of the site.

3.4 Questions and Answers

Entrants may ask questions relating to the Competition in accordance with the Key Dates at **Section 2.6**.

The Professional Adviser will respond to all questions within five (5) working days of receipt, but not later than the last date for issue of answers as shown in the Key Dates.

All questions must be in writing and emailed to the Professional Adviser.

The questions and the responses will be provided to all Entrants, except where the question or answer:

- » relates to confidential or proprietary information of an *Entrant*, and
- » has in the opinion of the Professional Adviser no impact on the fairness, equity or integrity of the Competition.

3.5 Select Competition Jury

THE MEMBERS OF THE JURY ARE:



- » **Prof. Richard Johnson AO MBE LFRAIA – Director, Johnson Pilton Walker (Chair)**
Founding Director, Johnson Pilton Walker Pty Ltd

Richard Johnson graduated with First Class Honours in architecture from UNSW in 1969 and a Master of Philosophy in Town Planning from University College, London. He was awarded the RAI A Gold Medal in 2008, a Life Fellow in 2012, a Life Governor of the AGNSW in 2012, and a Distinguished Alumni Award from UNSW in 2013.

He was admitted to the Order of Australia in 2014 for distinguished service to architecture, to the visual arts and the museums and galleries sector and currently is a Professor of Practice at FBE UNSW, and serves on the City of Sydney Design Advisory Panel and the Public Art Advisory panel.



- » **Wendy Lewin FRAIA – Principal, Wendy Lewin Architect**

Wendy Lewin is a Fellow of the Australian Institute of Architects and currently heads her own architecture studio. Since graduating in architecture (with honours) from the University of Sydney she has held leading positions in private practice and is the recipient of state, national and international awards for her built work and contribution to architecture, education and the profession. Her projects include residential, cultural and educational facilities. She has a deep interest in exhibition design and was a Creative Director for the 2008 Venice Architecture Biennale. Wendy Lewin is committed to design education and for over 30 years has taught at various universities including the University of Sydney, UNSW, UTS and Hong Kong University and has chaired and participated in numerous state, national and international architectural design competition juries.



- » **Dr Robert Care AM – Principal, ARUP Group**

Robert Care is a principal in the Australasia Region of the Arup Group and chairman of the global Arup Partnerships. Arup is a professional services firm of designers, planners, and project managers skilled in building design. They have pioneered some of the world's most ambitious, ground breaking and sustainable buildings and infrastructure projects.

Robert's career spans more than 40 years in Australia and the UK and in Papua New Guinea, Hong Kong and Japan. He is a Fellow of Engineers Australia and in 2015 was elected a Fellow of the Royal Academy of Engineers.

In 2012 Robert was appointed as a Member in the Order of Australia for his services to engineering, business, humanitarian programs and athletics. In 2013 Robert was recognised by the University of New South Wales as International Alumni of the Year. In 2014, Engineers Australia awarded Robert Australian Professional Engineer of the Year.



- » **Prof. Graham Durant AM – Director Questacon, Canberra**

Professor Durant is Director of Questacon and an Honorary Fellow at the Australian National University. He is a highly experienced museum and science centre leader with a distinguished academic background and international reputation. Originally trained as a geologist at the University of Wales, Graham spent 25 years at the University of Glasgow's Hunterian Museum and Art Gallery. In Scotland he played a significant role in the establishment of the Glasgow Science Centre which opened in 2001 and produced the Crystal Pavilion at the 1988 Glasgow Garden Festival. As Questacon Director Graham is an advocate for informal learning, leads the Inspiring Australia initiative and is a leading advocate for the development of the global science centre sector. Graham is an Australian Science Media Centre Board Member and was awarded an AM in 2012 Queen's Birthday Honours List in recognition of his services to science education.



» **Malcolm Snow FAILA – Chief Executive, National Capital Authority**

Malcolm Snow took up the role as Chief Executive of the National Capital Authority following a senior executive career working with and as a member of statutory and commercial boards. His diverse positions have included a decade as Head of Design with the City of Melbourne, as a Director of international consulting firm Urbis, and CEO of South Bank Corporation in Brisbane.

Malcolm is one of Australia's leading place makers and managers. With qualifications in urban planning and landscape architecture and a career spanning more than four decades, he has led major city revitalisation programs throughout Australia, Asia and the United Kingdom both as an urban planning consultant and advisor to all spheres of government.



» **Dr Andrew Young – Director National Research Collections Australia, CSIRO**

Dr Andrew Young is the Director of CSIRO's National Research Collections Australia and Honorary Professor at the Australian National University. His research work focuses on ecological and evolutionary genetics of Australia's plant biodiversity for which he was awarded the Australian Academy of Science Fenner Medal. He has published more than 75 journal papers and three books and is an editor of several international science journals.



» **Geoff Bailey – Executive Director, Sydney Harbour Federation Trust**

Geoff Bailey is the Executive Director of the Sydney Harbour Federation Trust and has been responsible for the planning, design and development of a range of Sydney Harbour foreshore parklands on former defence sites. These include Cockatoo Island, North Head, Woolwich Dock and Middle Head. He was previously responsible for architecture and planning in the Rocks and for conservation works at Hermannsburg in the NT. Geoff has over 25 years experience in planning and managing environmentally sensitive precincts. Geoff is currently on secondment to Parks Australia to assist in the development of their strategic asset management plans.



» **Dr Judy West AO – Executive Director, ANBG**

Dr Judy West is the Executive Director of the Australian National Botanic Gardens. Dr West oversees Parks Australia's science and natural resource management activities. Judy has more than 25 years' experience in scientific research and policy, as a research scientist in CSIRO Plant Industry and as Director of both the Centre for Plant Biodiversity Research and the Australian National Herbarium. She holds an adjunct professorial position at the Australian National University.

JURY OBLIGATIONS

The Jury:

- » Will select the winner of the competition
- » May choose to select a second provisional winner
- » Will finalise its Jury Report prior to the date of the announcement of the winner.

Decisions of the Jury are final and are not subject to any judicial review, and no appeals will be considered concerning the selection of the winner (or provisional winner) of the competition.

No feedback will be provided to unsuccessful Entrants.

3.6 Technical Advisers

The Jury will receive a written report — comments on the competition submissions — from a panel of Technical Advisers.

The Technical Advisers will not rank proposals or comment on their preferred scheme or make comparisons between proposals.

The Technical Advisers are:

- » James Osenton, National Director, WT Partnership, Canberra (quantity surveyor)
- » Craig Cosgrove, ANBG Manager Major Projects (response to the brief requirements)
- » David Taylor, ANBG Horticulturist and Curator Living Collections (thematic opportunities)
- » Joe McAuliffe, ANBG Nursery Supervisor (plant viability)
- » Lasath Lecamwasam, Director, Engineered Solutions for Building Sustainability (environmental performance)

The Jury will receive the report of the Technical Advisers before the presentations by the participants.

Whilst the Jury may have regard to the Technical Advisers' advice, the decision of the Jury will be independent and final.

3.7 Competition Submission Requirements

Competitors shall submit:

- » Minimum four (4) and no more than five (5) x A1 presentation boards mounted on foam core (or a material of similar light weight that will resist bending). Boards shall be unframed.
- » A 3D model at a scale sufficient to describe the building form on the site shall be submitted at the team presentations (refer **Section 3.10**). A photograph/s of the model will be included on the presentation boards. Supplementary virtual models are not required.
- » A digital copy in either PDF or JPEG format with a file size not exceeding 8MB for each board.
- » A cost estimate having regard to the project construction budget of \$4 million inclusive of design fees, but exclusive of GST (refer **Appendix B**).

The presentation boards shall include:

- » A site context image
- » A site layout at 1:200 scale
- » Building plan/s, elevations and sections at a scale sufficient to describe the space planning and architectural proposal
- » Details sufficient to describe the façade and structural system proposed
- » Interior design layout and images illustrating the exhibition and visitor experience
- » Diagrams or details to describe the building and environmental systems proposed
- » A maximum 400 word statement (on the boards) to describe the design intent
- » The team name.

3.8 Jury Consideration of the Entries

In considering the entries the Jury will have regard to the:

- (i) conceptual framework: the underlying principles, core ideas and philosophy of the proposal
- (ii) relationship of built form to context: engagement of the concept with surrounding conditions
- (iii) program resolution: functional performance against the Brief including the aspirations
- (iv) thematic resolution: response to the thematic intent and the visitor experience
- (v) integration of allied disciplines: contribution of other disciplines
- (vi) cost and value: effectiveness of the cost outcomes in comparison to the budget
- (vii) sustainability: environmental performance and materiality.

3.9 Entry Submission

Submission are to be addressed to the Professional Adviser and received by

*4pm AEST Thursday 7 July 2016 at:
ANBG Visitor Centre, Clunies Ross Street, Acton ACT 2601*

Digital copies are to be lodged on AusTender by

4pm AEST Thursday 7 July 2016.

3.10 Entrant Presentations to the Jury

Entrants will be required to present their proposal to the Jury in Canberra on Wednesday 13 July 2016.

Each team will have up to 30 minutes to present and a further 20 minutes to respond to questions from the Jury.

Entrants should only present material submitted, but the material may be reformatted for ease of presentation.

A representative from The Ian Potter Foundation may attend the presentations as a silent observer, but will have no role in any of the Jury deliberations.

The Client will fund one return economy airfare to Canberra for the lead architect to present to the Jury. Other team members are welcome to attend, but travel costs will be at the team's expense.

3.11 Announcement of Winners

All of the Entrant team leaders will be advised of the Jury decision on Monday 18 July 2016.

3.12 Promotion and Exhibition

USE OF SUBMITTED ENTRIES

The Entrant agrees that the Client will have the right to use, store, publish or reproduce submitted entry materials in any way relating to the conduct or promotion of the Competition.

To this end, the Entrant grants the Client a world-wide, royalty free, non-exclusive, perpetual, freely transferable, sub-licensable and irrevocable license to use, edit, and reproduce the Entrant's submissions, subject to full and accurate attribution of the Entrant in each instance.

PROMOTION OF THE COMPETITION

The Client, with the assistance of the Professional Adviser, is responsible for promoting the competition including:

- » Public exhibition or publication of entries
- » Announcement of the winners
- » Media or other promotional activity
- » Community engagement relating to the competition.

EXHIBITION OF ENTRIES

The ANBG will publish the submitted entries online.

All entries will also be exhibited at the Gardens and may be included in travelling exhibits.

3.13 Post Competition Services

Subject to the success of the competition, the ANBG proposes to engage the author of the winning design as the architect for the Conservatory.

The Design Brief nominates the scope of work anticipated for the winning architect in respect of the Conservatory project and the associated National Capital Authority approval processes and requirements.

PROFESSIONAL FEES

A qualification based selection (QBS) procurement approach will be adopted to negotiate fees for the project with the winning architect.

In the event that a fee cannot be agreed with the winner, the ANBG may choose to commence fee negotiations with the second provisional winner (if one has been selected by the Jury), or choose not to select an architect from any of the entrants.

FORM OF CONTRACT

The ANBG proposes to engage the architect under the Australian Institute of Architects standard *Architect and Client Agreement*.

At this time the Client's intention is to delete **Clause H.2(a)** and **Clause H.2(c)** related to Client liability.

The architect will be required to engage all other design sub-consultants.



4 Competition General Conditions

The Competition is consistent with the Australian Institute of Architects Architectural Competition Policy.

The Competition Conditions are based on the Institute's *Model Conditions for an Architectural Competition (February 2016)*.

All relevant provisions of the model conditions are included unamended, except where amendment has been made to accommodate the specific requirements of this competition.

The Competition is also consistent with the Australian Institute of Landscape Architects *Guidelines for the Promotion and Conduct of Competitions*.

4.1 Competition Integrity

EQUITY OF TREATMENT AND ACCESS

To ensure that all Entrants are treated equally and have the same access to participation in the Competition, each Entrant must:

1. comply in all respects with these conditions
2. not act or behave in any way that could bring the Competition into disrepute or compromise its integrity
3. not act or behave in any way that could inappropriately influence, or be seen to influence, the Jury or any outcome of the Competition
4. inform the Professional Adviser of any actual, potential or perceived conflict of interest, and
5. cooperate fully with the Professional Adviser to provide any reasonable information requested, or to assist any investigation into potential breaches of these conditions.

AUTHORISED COMMUNICATIONS

Except where these Conditions provide otherwise, all communications from Entrants or prospective Entrants, including questions, complaints and notices required or permitted by these Conditions, must be in writing and addressed to the Professional Adviser. Contact information is provided in **Section 1.3**.

UNAUTHORISED COMMUNICATIONS

Other than as prescribed by these Conditions, each Entrant must not, in relation to this Competition:

- » communicate during the Competition with any Jury member, or representative of the Client
- » make or be associated with any public comment about the Competition or another Entrant
- » make public any confidential information obtained in relation to the Competition.

LOBBYING OR SEEKING ASSISTANCE

Entrants must not request anything from the Client or any Jury member with the intent of securing preferential treatment, access to information, assistance or advice that is not available to all other Entrants.

ANTI-COMPETITIVE BEHAVIOUR

Entrants must not engage in any collusion, anti-competitive conduct or similar conduct with any other Entrant or person in relation to this Competition.

Only when required by these conditions or when requested or authorised in writing by the Professional Adviser, an Entrant may form an association with another Entrant, for the purpose of collaborating and submitting a joint entry in the final stage of the Competition.

An Entrant may be disqualified for any collusive or anti-competitive conduct.

CONFIDENTIALITY

Apart from anything made public by the Client or Professional Adviser, all information provided to Entrants in relation to the Competition is confidential and must be kept confidential, except where the Entrant:

- » is obtaining advice or assistance from its advisers in relation to the Competition.

The ANBG will regard all information submitted by Entrants as confidential and will take all reasonable steps to safeguard the confidentiality of that information. However, in view of the *Freedom of Information Act*, the ANBG cannot guarantee the confidentiality of all information in the submission. **Clause 45(1)** of the *Freedom of Information Act* which details exempt matters is reproduced as follows:

“45(1) Matter is exempt if –

- (a) its disclosure would disclose information trade secrets of an agency or another person;
- (b) its disclosure -
 - (i) would disclose information (other than trade secrets) that has a commercial value to an agency or other person; and
 - (ii) could reasonably be expected to destroy or diminish the commercial value of the information; or
- (c) its disclosure -
 - (i) would disclose information (other than trade secrets and information mentioned in paragraph (b)) concerning the business, professional, commercial and financial affair of an agency or another person; and
 - (ii) could reasonably be expected to have any adverse effect on those affairs or prejudice the future supply of such information to government unless its disclosure would, on balance, be in the public interest.”

Entrants are to email the Professional Adviser to nominate information that it considers of a confidential nature marking it commercial-in-confidence.

Information required as part of the Submission Requirements (refer **Section 3.7**) cannot be nominated by Entrants as confidential or commercial-in-confidence.

COMPLAINTS PROCEDURE

All complaints in relation to this Competition must be directed to the Professional Adviser, who will investigate and make a determination in relation to the complaint. Any such determination by the Professional Adviser is final.

A complaint must be submitted in writing as soon as practicable after the circumstances that led to the complaint became known.

4.2 Entrant Obligations

Entrants must:

1. comply in all respects with the conditions of this Competition
2. fully complete and sign the Declaration appended to these conditions (**Appendix C**)
3. maintain confidentiality, where required (refer **Section 4.1**)
4. respect moral rights and copyright of others in relation to development of their entry
5. promptly inform the Professional Adviser of any actual, potential or perceived conflict of interest
6. make no attempt to unfairly or inappropriately influence the Client, the Professional Adviser, the jury process or any member of the Jury, and
7. accept the decision of the Jury as final.

NON-COMPLIANT ENTRIES AND DISQUALIFICATION

Where an Entrant fails to comply in any respect with these conditions, the Professional Adviser may disqualify the Entrant. Such non-compliance may include:

1. not submitting an entry before the deadline or submitting it at a location or in a manner not in accordance with these conditions; or
2. submitting an entry that does not address all requirements of these conditions or the Brief.

Where the Professional Adviser deems that a non-compliance can be remedied without undue advantage or disadvantage to any Entrant, the Professional Adviser may request the non-complying Entrant to undertake the proposed remedial action and specify the time for it to be completed.

The Professional Adviser must promptly notify, in writing, any Entrant who has been disqualified or who is required to undertake remedial action to avoid being disqualified.

4.3 Retention of Entries

Entries at every stage of the Competition will not be returned to Entrants, but may be retained or disposed of by the Client at their discretion.

4.4 Intellectual Property and Copyright

Subject to **Section 3.12** ownership of all intellectual property rights and copyright in submitted materials and concepts remains with the Entrant.

The Entrant warrants that in preparing their entry there has been no infringement of the intellectual property rights and copyright of others, and that they have obtained any necessary licenses or assignments from third parties.

4.5 Moral Rights

In relation to any publication, exhibition or public dissemination of design concepts and other submitted materials, the Client, Sponsor and Professional Adviser will take all reasonable action to preserve the moral rights of the Entrant.

The Entrant warrants that in preparing, submitting and presenting their entry there has been no infringement of the moral rights of others, except where they have obtained necessary consents, indemnities or licences from affected third parties.

4.6 Entrant Costs

The Client and Professional Adviser will accept no responsibility for any costs incurred by an Entrant resulting in any way from their participation in the Competition.

All costs associated with the preparation and submission of an entry in the Competition, including labour, materials, and any indirect costs such as photography, travel (other than the airfare to Canberra for the Jury presentation, refer **Section 3.10**) and sub-consultant costs must be met by the Entrant.

Each Entrant will be responsible for any tax implications in Australia or any other jurisdiction arising from the payment of honoraria, prize money, fees or any other payment relating to the Competition.

4.7 Conflict of Interest

For the purpose of this Competition, a 'conflict of interest' will occur where an Entrant or any associate has any business, personal or other relationship that could result in, or could reasonably be perceived to result in, the Entrant gaining a benefit not available to all other Entrants in the Competition.

A 'benefit' for the purpose of this clause includes non-financial benefits or relationships that might not be considered "material" at law.

An actual or potential conflict of interest must be declared by the affected Entrant, any other Entrant, the Jury, Technical Advisors, the Professional Adviser or the Client.

On becoming aware of any actual or potential conflict of interest, the relevant person must immediately notify the Professional Adviser in writing. The Professional Adviser will decide the appropriate action to ensure that probity and fairness to all other Entrants is maintained, which may require any person to withdraw from the Competition process.

4.8 Changes to the Conditions

The Professional Adviser will promptly notify all Entrants of any material change in the Competition Conditions, Key Dates, the Brief, or the constitution or identity of the Client or Jury members.

4.9 No Liability

The Client, any Adviser and Jury member will have no liability arising from these Competition Conditions or the Competition, including (to the extent permitted by law) in relation to:

- » rights of the Entrant or any associate regarding any alleged misrepresentation in the provision of information as part of the Competition; and
- » any Entrant information, including proprietary or confidential information, designs or other entry material during its submission or at any time while in the possession of the Competition organisers.

4.10 Governing Law and Jurisdiction

These Competition Conditions are governed by Commonwealth laws and those laws applying in the Australian Capital Territory.

The Entrant must comply with all relevant laws in preparing and submitting their entry and participating in the Competition.



Appendices



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Appendix A: EOI Submission Pro-forma

Team Member	Company	Project Role	Contact Details

I confirm and declare that:

» Our team has the capacity to deliver this project to meet the Key Dates nominated.

Dated this: _____ day of _____ 2016

Day

Month

Signature (lead architect)

Printed name (lead architect)



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Appendix B: Preliminary Project Construction Budget Estimate

Functional Item / Element	\$
Site preparation	
Infrastructure works	
# Conservatory Building & Associated Services — (Costs to be in Elemental Format)	
Substructure	
Superstructure	
Columns	
Upper Floors	
Staircase	
Roof	
External Walls	
Windows	
External Doors	
Internal Walls	
Internal Screens	
Internal Doors	
Wall Finishes	
Floor Finishes	
Ceiling Finishes	
Fittings / Fitments	
Hydraulic Services	
Mechanical Services	
Fire Services	
Electrical Services	
Transportation	
Exhibition Fitout	
External Works & Landscaping	
Builder's Preliminaries & Margin	
Project Construction Budget Total	

Continues next page

NOTES:

Project Construction Budget Total of \$4 million inclusive of fees but exclusive of GST.

Fees are not to be provided in this template and are subject to the Post Competition Services at **Section 3.13**.

Entrants may add to the elements in this template as relevant to their proposal.

Appendix C:

Select Entrant Declaration Form

This form, fully completed and executed, is to be included as a separate accompanying document with any Stage One or Stage Two submission.

I/We:

Name of Entrant as shown on Registration Form

of

Address of Entrant:

Address (line 2):

City:

State:

Postcode:

confirm and declare that:

- » I/we have read and understood the *Competition Brief and Conditions* and agree to be bound by them; and
- » I/we have complied with the *Competition Brief and Conditions* in relation to the stage of the *Competition* to which the accompanying submission relates; and
- » the work and material submitted is the original work of the *Entrant*, or I/we have all necessary consents, indemnities, licenses or assignments to present the material submitted as the work of the *Entrant*; and
- » the person signing this declaration on behalf of the *Entrant* warrants that they are duly authorised to act on behalf of the Entrant and make the above declarations.

Dated this: _____ day of _____ 2016

Day

Month

Signature (lead architect)

Printed name (lead architect)



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Appendix D: Professional Adviser

ANNABELLE PEGRUM AM LFRAIA

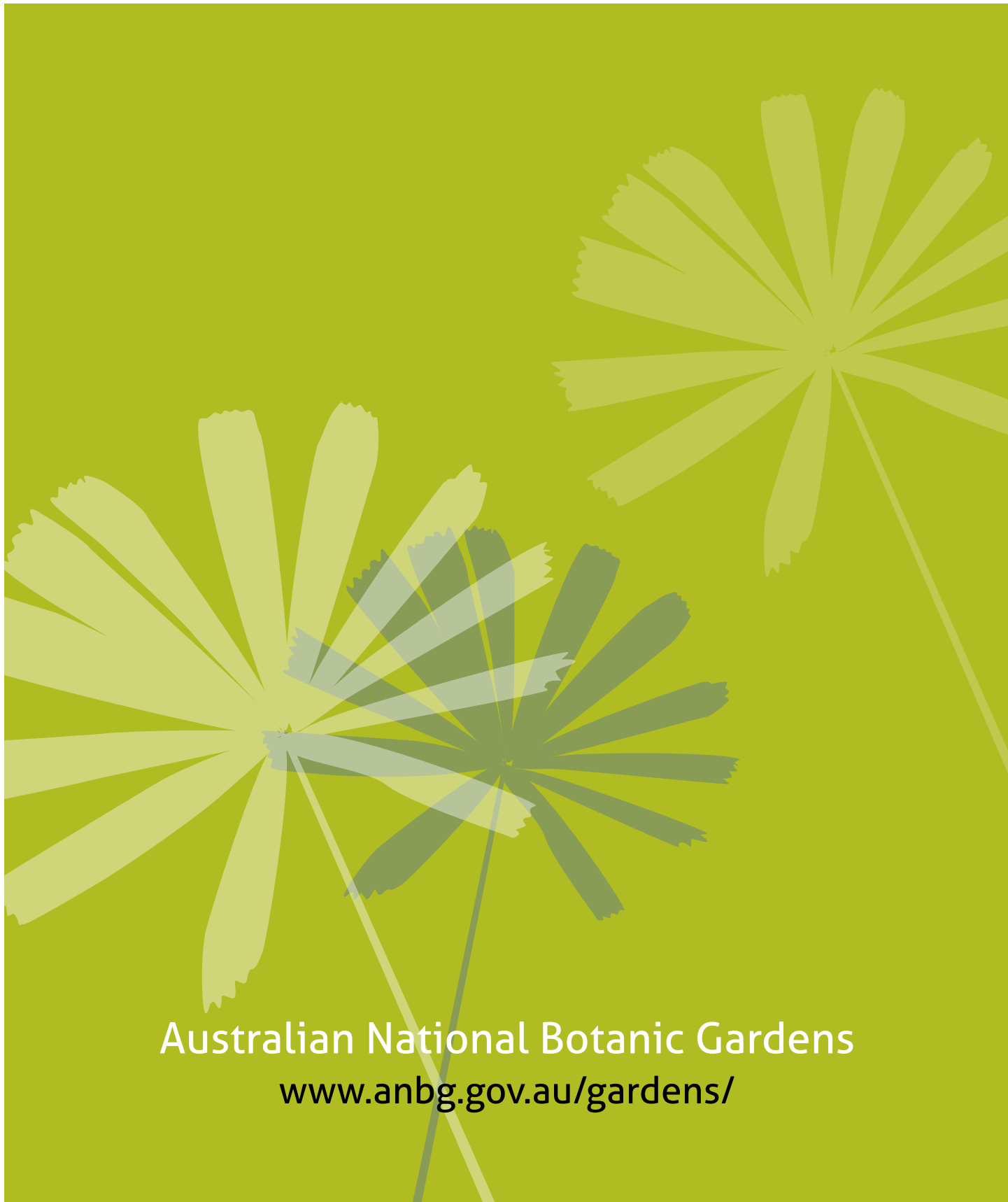
Annabelle Pegrum is an architect in Canberra; Strategic Adviser with Elton Consulting; and an Adjunct Professor in architecture at the University of Canberra. Annabelle has more than 30 years professional experience in architecture and urban/landscape planning and design in the private and public sectors and as an academic. From 1998 – 2008 she was the Chief Executive of the National Capital Authority, the Commonwealth agency responsible for the planning and development of Canberra as the National Capital.

Annabelle has significant experience in the conduct of design competitions most recently as the Adviser for *The Lodge on the Lake Ideas Competition*; *Downtown Q Design Competition*; *the Freefall Experience*; and *Immigration Place Design Competition*.



Australian Government

Parks Australia



Australian National Botanic Gardens

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