

General Council Meeting

Notice is hereby given pursuant to the provisions of the *Local Government Regulation 2012*, that the next Meeting of the Central Highlands Regional Council will be held in the **Council Chambers, 65 Egerton Street, Emerald** on

Wednesday, 26 August 2020
At 9.00am

For the purpose of considering the items included on the Agenda.

Scott Mason
Chief Executive Officer

LATE AGENDA



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1. DECISION ACTION

1.1. Building Acceleration Fund - Project Nominations approx 20 mins

DECISION REPORT

Date: 26 August 2020 Presentation Duration: Approx. 20 minutes
To: General Council Meeting
Author: Jason Hoolihan, Acting General Manager Infrastructure and Utilities
Authorising Officer: Scott Mason, Chief Executive Officer
File Reference: <ECM Reference>
Presented for: Decision

ATTACHMENTS:

1. BAF Possible Projects [1.1.1 - 1 page]
2. baf-program-guidelines [1.1.2 - 19 pages]

PURPOSE:

The purpose of this report is to introduce the Building acceleration Fund that has been announced by the Queensland Government, and consider if Council would benefit from submitting an application to the fund.

OFFICER RECOMMENDATION:

That Central Highlands Regional Council approve the submission of Building Acceleration Fund applications for the following projects:

1. Duaringa Raw Water Pipeline Replacement;
2. East Nogoia Lifeline Project;
3. Capella/Tieri Water Pipeline;
4. Fork Lagoons Bridge Replacement;
5. Withersfield Road Bridge Replacement;
6. Mayfair Estate Rehabilitation;
7. Willies Creek Royles Road Pave and Seal; and
8. Mulchays Road Pave and Seal

REPORT:

Background

The \$200m Building Acceleration Fund (BAF-2020) is a Queensland Government initiative to accelerate economic recovery through investing in infrastructure that unlocks development, generates construction activity and creates long-term employment.

The fund will provide co-investment funds through an interest-free loan. The funds will be available to eligible developers, councils and industry for infrastructure projects that generate private sector investment and stimulate post COVID-19 economic recovery.

Discussion/Current issue

Applications for the BAF-2020 are now open and will close at 5 pm on Friday 4 September 2020.

- Proponents must co-invest at least 10% of the project costs. The level of BAF-2020 co-investment will be a consideration in assessing and prioritising each proposed project.
- For approved projects, funds will be provided by the government under an interest-free loan arrangement.

- The fund provides co-investment funds via interest-free loans to Queensland local governments, utility providers, developers and industry for infrastructure projects that unlock development, generating construction and creating long-term employment.
- Infrastructure projects must be ready to commence construction within 12 months of entering into a funding agreement.
- Construction completion is to occur within eighteen months from construction start.
- Projects will involve the construction of roads, water distribution, sewerage/wastewater and stormwater infrastructure. However other categories of infrastructure, such as public realm, transport infrastructure and building facilities will be considered, provided they meet the program criteria.
- There is no minimum amount of funding; funding will depend on the scale of the project. The proponent must also co-invest at least 10 % of the total infrastructure project cost.
- Eligible projects must be in Queensland and include the construction of roads, water distribution, sewerage/wastewater, stormwater infrastructure and transport infrastructure. However, other categories of infrastructure will be considered, provided they meet the program criteria.

Possible projects are identified in the attached table. These are presented for Councils consideration.

CONSIDERATIONS / IMPLICATIONS:

Corporate/Operational Plan Reference/Policy/Legislation:

2. Building and Maintaining Quality Infrastructure;

2.1.1 - Develop and implement a robust Infrastructure Plan through effective long-term asset management practices.

2.2 - Corporate Plan Strategy: Affordable and well serviced infrastructure

Budget/Financial/Resourcing:

On almost all occasions there is a net benefit to council based on the interest free component of the loan.

Communication/Engagement:

Consultation will occur with key stakeholders if any of the funding applications are successful.

Risk Assessment:

1. The risk of bringing projects forward on resources will have to be fully considered depending on the number of successful projects.
2. The financial risk has been considered through detailed analysis
3. The risk of not being able to deliver the projects within the requirements of the fund agreement has been addressed through the selection of shovel ready projects.

Timings/Deadlines:

Applications must be submitted by 5 September 2020.

Projects must commence with 12 months of the funding agreement

Conflict of Interest Declaration:

Council officers contributing to the preparation and approval of this report have no conflicts of interest to declare.

Human Rights Impact:

No

Alternatives Considered:

	Description	Positives	Negatives
Option 2	Bring in additional new projects	Delivery of additional projects and bring forward benefits	Increased financial impact to Council's long-term budget.
Option 3	Do not submit an application the Building Acceleration Fund	No impact the Council's financial position.	No stimulus to the region.

		Low risk No impact to resources	
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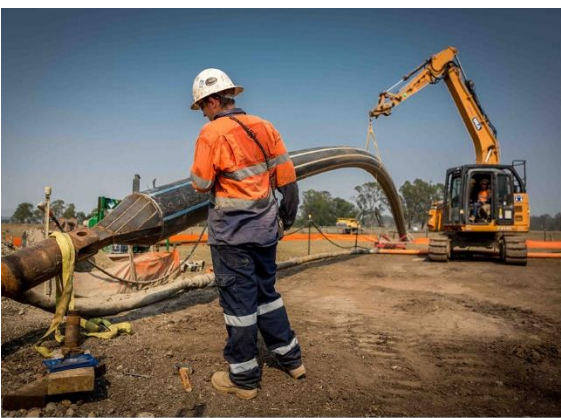
- END OF REPORT -

Building Acceleration Fund - 2020 (potential projects)

Infrastructure Category	Project Name	Project Description	TOTAL Estimated Project Budget	Proposed Funding Application
Water Projects	Duaringa Raw Water Pipeline	Replacement of the 17km raw water main Duaringa water sources to town's raw water dams. The existing raw water main experiences extensive leaking and bursts and maintenance costs are too high.	\$ 2,860,000	\$ 2,600,000
	East Nogoia Lifeline Project	Project has had options completed and staged design completed. Stages included pipework configuration at Opal St WTP, chlorination upgrades for re-chlorination, pipework modification. dedicated trunk pipeline across town and construction of additional treated water transfer pump station.	\$ 2,270,400	\$ 2,064,000
	Capella/Tieri Pipeline	Replacement of critical sections of the pipeline between Capella and Tieri due to its current condition.	\$ 1,384,350	\$ 1,258,500
Roads & Bridges	Fork Lagoons Road Bridge	Replacement of existing timber bridge on Fork Lagoons road at the Retreat Creek crossing with a new concrete bridge. Year 1 Design, Year 2 Construction	\$ 1,870,000	\$ 1,700,000
	Withersfield Road Bridge	Replacement of existing timber bridge on Withersfield road at the Blackboy Creek crossing with a new concrete bridge. Year 1 Design, Year 2 Construction	\$ 1,870,000	\$ 1,700,000
	Mayfair Estate Rehabilitation Program	Planning, design, investigations, and construction of rehabilitation and reconstruction works required to remediate the road network within Mayfair Estate. 20/21FY: Subsurface Stormwater Design for inadequate sections, Design for failed roadway sections with existing adequate stormwater provisions, and Construction of Rehabilitation/Reconstruction projects	\$ 3,245,000	\$ 2,950,000
	Willies Creek Royles Road	Construction of additional sealed area and drainage improvements/upgrade on Willies Creek Royles Road, including planning and design components	\$ 1,100,000	\$ 1,000,000
	Mulchays Road Pave and Seal	Construction of additional sealed area and drainage improvements/upgrade on Mulchays Road, including planning and design components	\$ 1,210,000	\$ 1,100,000

Building Acceleration Fund 2020

Program guidelines – July 2020



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Copies of this publication are available on our website at www.edq.qld.gov.au and further copies are available upon request to:

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Building Acceleration Fund 2020

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1. Program summary

The Building Acceleration Fund 2020 (BAF-2020) is a Queensland Government initiative to invest in infrastructure projects which stimulate economic recovery as part of the *Unite and Recover for Queensland Jobs* strategy. The fund provides co-investment funds through interest-free loans to Queensland local governments, utility providers, developers and industry unlocking development, generating construction and long-term employment.

The Building Acceleration Fund

- Co-investment by the Queensland Government of up to 90 per cent of the cost of an eligible project
- Funding in the form of an interest-free loan, generally repaid in full over a period of up to 15 years, secured through a Building Acceleration Fund Agreement and other securities
- Available for “catalyst” infrastructure which will unlock development, generate construction activity and create long-term employment
- Catalyst infrastructure includes roads, water distribution, sewerage/wastewater, stormwater and transport infrastructure (but other categories may be considered).

How to Apply

- Submit an application via email to BAF2020@dsdti.qld.gov.au using the **Building Acceleration Fund Application Form** available on the BAF-2020 website <http://www.dsdmip.qld.gov.au/economic-development-qld/building-acceleration-fund.html>
- Where an application is selected to progress to the detailed evaluation stage, further details will be requested from individual proponents
- Ensure applications are complete and address the eligibility and assessment criteria.

Staged Evaluation

- Applications will be subject to a staged evaluation to assess:
 1. eligibility against the mandatory requirements
 2. evaluation against the merit criteria
 3. detailed economic, value for money and due diligence assessment and optimisation.

Timeframes

- Applications will be accepted until the application close 5pm Friday 4 September 2020 but evaluation will commence on applications as they are received to fast-track the award process
- Subsequent application rounds may be released based on initial uptake
- Approval of funding recommendations is subject to internal approval timeframes
- A Building Acceleration Fund Agreement (BAF-2020 Agreement) is to be executed by proponents within three months of the date the project was approved for BAF-2020 funding
- Construction start is to occur within twelve months of BAF-2020 Agreement execution
- Construction completion is to occur within eighteen months from construction start.

2. Program outline

2.1 Background

The BAF-2020 (the program) is a Queensland Government initiative to invest in infrastructure in Queensland, by an interest-free loan, that unlocks development in Queensland and creates construction and long-term employment. The program provides co-investment funds via partnering with councils, developers, utility providers and industry to accelerate projects that unlock investment and create construction and long-term employment, or that generates economic benefit.

The program is for projects ready to commence construction within 12 months of funding agreement execution that demonstrate substantial flow-on economic benefits to local communities. Successful proponents receive funding on an interest-free basis to be repaid over time, up to 15 years.

Infrastructure projects are generally defined as roads, water distribution, sewerage/wastewater, stormwater and transport infrastructure - although other categories of infrastructure will be considered provided that they meet the program criteria.

The program is an initiative under the Queensland Government's Economic Recovery Strategy, *Unite and Recover for Queensland Jobs*, and has received \$200 million funding which was announced by The Honourable Cameron Dick MP, Treasurer, Minister for Infrastructure and Planning and The Honourable Kate Jones MP, Minister for State Development, Tourism and Innovation on 26 July 2020.

The program is administered by Economic Development Queensland (EDQ) on behalf of the Department of State Development, Tourism and Innovation (DSDTI or the department).

2.2 Objectives

The program aims to provide funding for catalyst infrastructure projects which serve to stimulate economic recovery as part of the *Unite and Recover for Queensland Jobs* strategy.

BAF-2020 is an opportunity for DSDTI to energise development and strengthen partnerships with Queensland local governments, utility providers, developers and industry to facilitate delivery of infrastructure that unlocks development and generates construction and long-term employment for economic recovery.

The program objectives are:

- to generate economic benefit and job creation
- to leverage private sector investment through co-investment
- to unlock further development through the delivery of catalyst infrastructure.

2.3 Funding

Under the program, the Queensland Government offers co-investment funding towards successful projects in the form of an interest-free loan. A total of \$200 million is allocated to the program.

Priority will be given to applications seeking funding of \$15 million or less, however, higher funding will be considered for applications with significant benefits.

3. Application

Eligible proponents are invited to apply for funding under the BAF-2020 by providing a completed **Building Acceleration Fund Application Form** and providing other supporting information required to describe the project and demonstrate how the project meets the eligibility requirements and merit criteria (an application).

Applications must be provided electronically to BAF2020@dsvti.qld.gov.au by the closing date but evaluation will commence on applications as they are received to fast-track the award process.

During the application period, proponents may submit questions, requests for clarification and requests for further information via the following email address: BAF2020@dsvti.qld.gov.au. If a proponent believes that any question is confidential or commercial in confidence they should specify this in their email and they will be given the opportunity to withdraw the question if the department disagrees.

Frequently asked questions about BAF-2020 will be made available at <http://www.dsvtmip.qld.gov.au/economic-development-qld/building-acceleration-fund.html>. The department may in its discretion, determine not to publish questions and responses where they are project or application specific.

3.1 Mandatory eligibility requirements

Eligible proponents should review the mandatory eligibility requirements in section 4 this document prior to completing an application.

Applications should address the mandatory eligibility requirements and merit criteria described in this guideline and provide all necessary supporting documentation requested on the **Building Acceleration Fund Application Form** available on the <http://www.dsvtmip.qld.gov.au/economic-development-qld/building-acceleration-fund.html>

3.2 Additional information requests

The evaluation of applications will be conducted over three stages as described in this guideline. The assessment of high-quality applications may be fast-tracked. Proponents may be contacted for additional information at any time during the evaluation.

The first stage involves determining the application eligibility. Only eligible applications will proceed to the next evaluation stage.

In the second stage, eligible applications will be evaluated against the merit criteria using the Application Form and supporting evidence provided. Only shortlisted applications will proceed to the detailed assessment stage.

For applications progressing to the third stage, detailed assessment, proponents will be contacted with a request for further information to enable a comprehensive economic benefit analysis and determination of the project risk profile.

4. Mandatory eligibility requirements

The mandatory eligibility requirements for applications are provided in Table 1.

Table 1: Mandatory eligibility requirements

Element	Requirement
Proponent	<p>The following entities will be eligible for BAF-2020 funding:</p> <ul style="list-style-type: none"> • Queensland local governments • utility providers • industry • developers. <p>EDQ will accept joint applications from eligible proponents.</p> <p>Note: The proponent must have the capability to deliver the proposed infrastructure project, including appropriate staff, expertise and financial capacity. EDQ may undertake independent financial checks. For local government applications, Queensland Treasury Corporation (QTC) will undertake a financial assessment.</p>
Project eligibility	<p>Eligible projects must be in Queensland and include the construction of roads, water distribution, sewerage/wastewater, stormwater infrastructure and transport infrastructure. However, other categories of infrastructure will be considered, provided they meet the program criteria.</p> <p>The BAF-2020 is not available for co-funding or replacing any existing infrastructure grant funding or for local government projects which already have approved budget.</p> <p>Projects are ineligible if they are completed or have commenced (i.e. equipment purchased, contracts entered into or construction has begun) prior to executing a funding agreement.</p>
Timing	<p>Construction capable of commencement within 12 months of BAF-2020 Agreement execution.</p>
Project benefits	<p>The project must generate, facilitate or accelerate economic benefit and job creation and catalyse or unlock further development in Queensland</p>
Eligible costs	<p>The funding is generally intended to assist with construction delivery costs, with priority given to applications where the funding being sought is \$15 million or less.</p> <p>The funding must only be used for eligible costs, which may include:</p> <ul style="list-style-type: none"> • construction costs (including all site works required as part of the construction) • land acquisition • costs of construction-related labour, materials, equipment hire • conceptual design and detailed design, i.e. production of final 'for construction' designs or equivalent • costs of conducting a tender for the approved works • project management costs including remuneration of technical, professional and/or administrative staff for time directly related to managing the construction of approved works, but excluding executive duties and overhead

Element	Requirement
	<p>charges</p> <ul style="list-style-type: none"> • contingencies of up to 15 per cent of eligible project costs. <p>Ineligible costs are those related to:</p> <ul style="list-style-type: none"> • business plans, cost benefit analyses and economic impact studies • feasibility and planning studies • statutory fees and charges and any costs associated with obtaining regulatory and/or development approvals • legal expenses • remuneration of employees for work not directly related to the project.
<p>Proponent commitment</p>	<p>The proponent must commit to the following:</p> <ol style="list-style-type: none"> a. the proponent commits to co-invest at least 10 per cent of the total infrastructure project cost b. the proponent commits to repaying 100% of the BAF-2020 funding in accordance with an executed BAF-2020 Agreement and other securities c. the proponent commits to expending their contribution prior to any drawdown on BAF-2020 funding d. the proponent commits to provide security for the loan in the form of a bank guarantee or other agreed security, the value of which will be determined in proportion to the level of risk the project represents to EDQ as determined by EDQ in its sole discretion e. the proponent commits to assuming the responsibility of variations in excess of the project budget f. the proponent commits to repay the BAF-2020 funding, in instalments with a frequency of no longer than a year, commencing within twelve months of the funding being drawn down in full, over a period of not more than 15 years from the date the BAF-2020 Agreement was executed. <p>If the project is successful in being approved for BAF-2020 funding, the proponent must comply with the timeframes set out below:</p> <ol style="list-style-type: none"> g. the proponent must execute a BAF-2020 Agreement within three months of the date the project was approved for BAF-2020 funding and not commence the project prior to executing the Agreement h. the proposed infrastructure project must commence construction within twelve months of the date the date of execution of the BAF-2020 Agreement i. the proposed infrastructure must be constructed within eighteen months of construction start j. time is of the essence in respect of the proponent’s obligations to commence and complete construction and making repayments of funds advanced.

5. Merit criteria

The merit criteria to be used for the evaluation process are:

1. Benefits realisation – the project has a demonstrated need, delivers economic benefits and job creation, has a catalysing effect to unlock further investment and assists economic recovery post COVID-19.
2. Project confidence – the project is achievable under a range of scenarios, the risks are adequately managed, the planning for the project is mature, the project can start within the agreed timeframes, the project is financially sound including demonstrated value-for-money and long-term viability, the proponent has the capability and capacity to deliver the infrastructure and repay the loan.

Sub-criteria to assess these are in shown in Table 2.

Table 2: Merit criteria

Criterion 1		Benefits realisation
Sub-criteria	Description	Evidence required
1A - Project need	The application demonstrates the need for the infrastructure	Demonstration of need through market analysis, industry testimonials or other relevant information Assessment of strategic fit against Queensland Government infrastructure priorities and alignment with regional plans
1B -Economic benefits and job creation	The application demonstrates that the project will generate, facilitate or accelerate economic benefit and job creation and contribute to economic recovery post COVID-19, with higher priority given to projects that achieve higher benefits and long-term jobs creation	Estimated construction and new operational jobs (FTE) created with supporting rationale Estimated economic benefits created with supporting rationale Description of any indirect benefits Demonstration of alignment of benefits to regions or industries facing economic impacts of COVID-19
1C -Catalysing opportunity	The application demonstrates that the project will catalyse further opportunity and the associated benefits (economic benefits and job creation)	Description of how the project is catalytic and details of the further development opportunities unlocked by the project e.g. number of lots / dwellings, gross floor area (GFA) for industrial, retail / commercial or other development outcomes, timing of delivery for the unlocked development
Criterion 2		Project confidence
Sub-criteria	Description	Evidence required
2A – Proponent capability and capacity	The proponent must have the capability to deliver the proposed infrastructure project, including appropriate staff, expertise and financial capacity The proponent must have the financial capacity to repay the BAF-2020 funding, EDQ may verify this	Legal name of the entity who will be party to the BAF-2020 Agreement and details of any other entities involved such as joint venture or other partnerships Demonstrate previous experience of projects of similar complexity and the skills, capacity and experience of team members

Criterion 2 Project confidence		
Sub-criteria	Description	Evidence required
	<p>through independent financial checks.</p> <p>Note: For Queensland local government applications, QTC will undertake a credit assessment.</p>	<p>Financial statements and other supporting information regarding the financial capacity of the proponent</p> <p>Details of the entity responsible for the delivery</p>
2B – Financially sound	The project is financially sound	Demonstrate commercial, economic and financial viability and a plan for achieving financial outcomes
2C – Sound delivery methodology	The application demonstrates a sound delivery methodology that is capable of being delivered within available technology	<p>Detailed information regarding the type of infrastructure and works to be constructed including any technical studies completed to inform the scope of works (e.g. site investigations, feasibility studies, engineering studies etc.)</p> <p>Detailed information regarding the extent, location and sizing of the infrastructure</p> <p>Details of the proposed delivery method and project management</p> <p>Identification of any new technology or innovation being implemented</p>
2D – Achievable delivery program	<p>The project can commence construction within 12 months of a BAF-2020 Agreement being executed, with higher priority given to projects that can start sooner</p> <p>The project can be constructed within 18 months of construction start</p>	<p>Current status of the project</p> <p>Program (Gantt chart or similar) detailing timeframes for the major milestones for design, approvals and construction</p> <p>Provide the construction start, construction finish and operation start dates from the program</p>
2E – Approvals	The application demonstrates that all required approvals are achievable within the timeframes and that any outstanding planning issues can be resolved	<p>A summary of approvals including licences, permits and development approvals that have been granted and approvals that are yet to be gained to commence the project</p> <p>Details of outstanding approvals, their expected timeframes and any risks</p> <p>Demonstrate native title rights and environmental approvals are managed</p>
2F - Risk	<p>The application demonstrates that the ultimate asset owner will accept and maintain the infrastructure asset</p> <p>The proponent has access or tenure to the land on which the infrastructure will be constructed</p>	<p>Legal name of the entity who will ultimately own, operate, maintain the infrastructure (after construction is complete), and take responsibility for ongoing operation, maintenance and replacement costs associated with the infrastructure. If the proponent is not the ultimate asset owner, the application must evidence that the ultimate asset owner will accept the completed asset</p> <p>Lot on plan description of the land on which the infrastructure will be constructed</p>

Criterion 2 Project confidence		
Sub-criteria	Description	Evidence required
	The application demonstrates that risks can be adequately managed with no fatal flaws	<p>Legal name of the entity which owns the land on which the infrastructure will be constructed</p> <p>Provide a risk register with key risks identified for project delivery and operation, identifying appropriate mitigation strategies</p> <p>For projects located in a Priority Development Area, in cases where infrastructure is identified in EDQ's Infrastructure Funding Framework, the Infrastructure Funding Framework Crediting and Offset Arrangement, a Infrastructure Charges Offset Plan, or a Development Charges and Offset Plan, the proponent must consider offset, credit, and refund implications for their specific development and address that in their application.</p> <p><i>Note that the State will complete its own risk assessment for the application. The project risk assessment submitted with the application will be used to better understand how the proponent is viewing and intending to mitigate or manage the key risks to the success of the proposed project.</i></p>
2G - Project funding	<p>The proponent agrees to co-invest at least 10 per cent of the total project cost. Higher co-investments will be given priority.</p> <p>The proponent agrees to repay the loan within a period of up to 15 years</p> <p>The funding amount, period and certainty of the repayment of investment will be considerations in the prioritisation of projects</p> <p>Priority will be given to funding applications requesting \$15 million or less, however, larger funding will be considered for applications with significant benefits.</p>	<p>Provide a cost estimate for the design and construction of the infrastructure</p> <p>Detail the amount of BAF-2020 funding requested and what percentage of the total project cost this represents</p> <p>Demonstrate commitment to co-invest at least 10 per cent of the total project cost</p> <p>Provide details of any co-investment partners or other funding sources, the amount of funding contributed by each, and what percentage of the total project cost this represents (note that projects with existing grant funding are ineligible)</p> <p>Detail the proposed repayment timeframes meeting the constraints outlined in the mandatory eligibility requirements (refer section 4)</p> <p>Confirm the proponent's co-investment funding will be available and expended towards the project prior to the BAF-2020 funding being drawn down</p>

6. Evaluation process

The evaluation will be undertaken in stages as follows:

- **Stage One** – Eligibility assessment. Only applications that meet all mandatory eligibility criteria will progress to Stage Two. EDQ will also undertake due diligence on proponents as part of the evaluation.
- **Stage Two** – Evaluation and shortlisting. Eligible projects will be assessed and prioritised as per the merit criteria. Only applications which are successful in Stage Two will progress to Stage Three.
- **Stage Three** – Detailed assessment. Applications will undergo detailed assessment of the funding risk to EDQ and a detailed economic benefits analysis. The Stage Three assessment may include information from external sources such as consultation with local authorities and expert advice. For local government applications, the detailed assessment will include a financial assessment undertaken by Queensland Treasury Corporation.

EDQ will assess applications on a rolling basis, with the opportunity to fast-track high quality applications.

Throughout the evaluation, EDQ will undertake optimisation of the evaluation so that applications that provide the highest economic benefit to Queensland are supported. Optimisation will also be required in the event the fund is oversubscribed by high quality applications.

For applications that are meritorious based on the Stage Three evaluation, EDQ will develop a Term Sheet for a BAF-2020 Agreement between the Minister for Economic Development Queensland (MEDQ) and the proponent. If the Term Sheet is agreed by all parties, EDQ will submit a BAF-2020 funding recommendation to the MEDQ for consideration and approval.

Proponents will have three months to accept a funding offer and enter into a BAF-2020 Agreement, otherwise the offer will lapse.

Successful and unsuccessful proponents will be advised in writing of the outcomes of the evaluation of their application.

7. Successful applications

7.1 Fund Agreement

Proponents with successful applications will be required to enter into a formal Building Acceleration Fund Agreement (BAF-2020 Agreement) with the MEDQ on behalf of the State of Queensland within three months of funding approval of the project. If the proponent have not executed the formal agreement within three months of the offer, the offer will lapse.

EDQ will provide the agreement, which provides details on general and specific conditions of funding associated with delivery of the BAF-2020 project. These conditions will correspond to the terms agreed between EDQ and the proponent in the Stage 3 – Detailed Assessment.

Once signed by both parties, an agreement is legally binding for the duration of the approved BAF-2020 project.

Key features of the BAF-2020 Agreements include:

- information about the funding recipient
- terms of reference for a project control group
- details of the approved project
- conditions of funding such as timeframes for project completion
- how funds will be spent
- forecast claim dates
- process for certification of claims
- repayment schedule
- accountability, governance and acquittal processes
- reporting requirements including benefits management and reporting
- media guidelines
- acknowledgment of government funding and project signage requirements.

Once the BAF-2020 Agreement has been entered into the funds may be drawn-down as per the agreement.

7.2 Project Control Group

Once the BAF-2020 Agreement is executed, the proponent and EDQ will establish a project control group (PCG) to:

- a) confirm and agree on the delivery program for the works
- b) review the designs for the works and their progress
- c) provide oversight on risk management
- d) receive and review project status reporting.

8. Terms and Conditions

In these terms and conditions, a reference to:

Application means an application (or relevant part of an application) made to BAF-2020 and includes an application form and any other supporting or additional information in whatever form provided by the Proponent in connection with its application to BAF-2020;

BAF-2020 means the Building Acceleration Fund 2020;

guidelines means these Building Acceleration Fund 2020 Program guidelines, as updated from time to time;

Proponent means an applicant for funding under the Building Acceleration Fund 2020, and where the applicant is a consortium, each member of the consortium;

State means collectively, the State of Queensland and Minister for Economic Development Queensland.

8.1 Reservation of Rights

The State reserves the right to administer BAF-2020 and conduct the process for the assessment and approval of Applications in connection with BAF-2020 in such manner as it thinks fit and to:

- a) change the structure, procedures, nature, scope or timing of, or alter the terms of participation in, the process or overall BAF-2020 (including timeframes and submission and compliance of Applications);
- b) consider or accept or refuse to consider or accept any Application which:
 - a. is lodged other than in accordance with the guidelines and associated forms;
 - b. is lodged after the relevant closing date for lodgement;
 - c. does not contain the information required by the guidelines and associated forms; or
 - d. is otherwise non-conforming in any respect;
- c) vary or amend the eligibility criteria or merit criteria set out in the guidelines and associated forms;
- d) consider any information from its own and other sources (including other Government agencies or advisors);
- e) accept or reject any Application, having regard to the guidelines and associated forms, the eligibility criteria and the merit criteria or any other item, matter or thing which the State considers relevant, including the limitations on the Funds available for BAF-2020;
- f) give preference by allocating weighting to any one or more eligibility criteria or merit criteria over the other;
- g) seek clarifications or additional information from, or provide clarifications or additional information to, negotiate or deal with, or seek presentations or interviews from, any Proponent, without doing or requiring the same from all or any of the other Proponents;
- h) conduct due diligence investigations in respect of any Proponent and subject Applications to due diligence, technical, financial and economic appraisals;
- i) require a Proponent to clarify or substantiate any claims, assumptions or commitments contained in an Application or provide any additional information;
- j) terminate further participation of any Proponent in the application process for BAF-2020;
- k) terminate or reinstate BAF-2020 or any process in BAF-2020;

- l) where the State considers that there has been a lack of progress in the application process due to the Proponent's failure to respond to requests in a timely manner, consider the Application lapsed;
- m) not proceed with BAF-2020 in the manner outlined in the guidelines and associated forms, or at all.

Where, under the guidelines and associated forms, it is stated that the State may exercise a right or discretion or perform any act or omit to perform any act, then unless stated otherwise, the State may do so at its sole and absolute discretion and will not be required to act, or be restrained from acting, in any way or for any reason nor to take into account the interests of any third party (including the Proponents).

If the State does exercise any of its rights under the guidelines and associated forms, the State may inform any or all Proponents. The State will not, however, be under any obligation to do so.

8.2 Relationship

The State's obligations regarding the application process are limited to those expressly stated in the guidelines.

No contractual or legal relationship exists between the State and a Proponent in connection with BAF-2020, including the guidelines and associated forms or the application process.

A Proponent, or its representatives:

- a) has no authority or power, and must not purport to have the authority or power to bind the State, or make representations on behalf of the State;
- b) must not hold itself out or engage in any conduct or make any representation which may suggest to any person that the Proponent is for any purpose an employee, agent, partner or joint venturer with the State; and
- c) must not represent to any person that the State is a party to the proposed project (other than as a potential funder, subject to the application process and confidentiality obligations detailed in these guidelines and associated forms).

8.3 Participation at proponent's cost

Each proponent participates in BAF-2020 at its own cost and risk.

To the extent permitted by law, no Proponent will have any claim of any kind whatsoever against the State (whether in contract, tort (including negligence), equity, under statute or otherwise) arising from or in connection with:

- a) any costs, expenses, losses or liabilities suffered or incurred by the proponent in preparing and submitting its Application (including any amendments, requests for further information by the State, attendance at meetings or involvement in discussions) or otherwise in connection with BAF-2020;
- b) the State at any time exercising or failing to exercise, in its absolute discretion, any rights it has under or in connection with BAF-2020; or
- c) any of the matters or things relevant to its Application or BAF-2020 in respect of which the Proponent must satisfy itself, including under the guidelines and associated forms.

Without limiting the foregoing, if the State cancels or varies BAF-2020 at any time or does not select any Proponent following its assessment of the Applications, or does (or fails to do) any other thing referred to under the guidelines and associated forms, no Proponent will have any claim against the State arising from or in connection with any costs, expenses, losses or liabilities incurred by the Proponent in preparing and submitting its Application or otherwise in connection with or in relation to (whether directly or indirectly) BAF-2020.

8.4 Applicant to make own enquiries

These guidelines and associated forms have been prepared to give potential Proponents background information in relation to BAF-2020. These documents do not, and do not purport to contain all the information that Proponents may require in reaching decisions in relation to whether to submit an Application. Proponents must form their own views as to what information is relevant to such decisions and obtain their own independent legal, financial, tax and other advice in relation to information in the guidelines and associated forms or otherwise made available to them during the application process.

The State accepts no responsibility whether arising from negligence or otherwise (except a liability that cannot lawfully be excluded) for any reliance placed upon the information supplied by it in connection with BAF-2020 or interpretations placed on the information by Proponents.

8.5 Intellectual property

Any intellectual property rights that may exist in an Application will remain the property of the Proponent or the rightful owner of those intellectual property rights. Any part of an Application considered to contain any intellectual property rights should be clearly identified by the Proponent.

The Proponent grants to the State (and will ensure that relevant third parties grant) a non-exclusive, irrevocable licence to use and reproduce the intellectual property for the purpose of administering BAF-2020.

8.6 Confidentiality

Proponents are required to keep their Applications and dealings with the State confidential (but may disclose such information to the Proponent's employees or professional advisors to the extent those employees or advisors need the information to assist in the application process and are made aware of the confidentiality requirements).

By submitting an Application, a Proponent acknowledges and agrees that the State may disclose information (including confidential information) received from a Proponent to the State's employees, contractors, professional advisers, other government entities and program stakeholders (such as the Local Government Association of Queensland, the Queensland Resources Council and others) for purposes in connection with assessing Applications and administering the BAF-2020, and ensuring the emerging package of projects is consistent with the overall direction and development of the industry and communities.

The State may publicly disclose information to promote the program through the release of the names of successful Proponents, the amount of assistance provided and general details of the projects. The State may also disclose information (including confidential information) if it is required to do so by law.

Proponents should specifically mark any information the Proponent considers is confidential.

All media enquiries or public announcements will be managed by the Department of State Development, Tourism and Innovation media team. Proponents must not make public statements or respond to media enquiries without first speaking with the department.

8.7 Privacy statement

Personal information collected as part of the application and assessment process will be used by the State and disclosed to third parties for purposes in connection with the assessment of Applications and administering the

BAF-2020 and otherwise dealt with in accordance with the *Information Privacy Act 2009* (Qld). A Proponent must comply with any information privacy laws applying to the Proponent.

8.8 Law

These guidelines are governed by the laws applicable in Queensland.

8.9 Acceptance

By submitting an Application, a Proponent:

- a) warrants to the State that the information contained in this Application is accurate and complete as at the date on which it is submitted and not by omission misleading, and may be relied on by the State in assessing the Application or whether or not to provide funding to the Proponent under the Building Acceleration Fund 2020;
- b) undertakes to promptly advise the State if the Proponent becomes aware of any change in circumstances which causes the information contained in its Application to become inaccurate or incomplete in a material respect;
- c) acknowledges that the State will rely on the above warranty and undertaking when evaluating the Application;
- d) acknowledges that the State may elect to remove a Proponent or elect not to further consider an Application at any stage as a result of a material change to the information presented in an Application;
- e) acknowledges that the State may suffer loss or damage if the Proponent breaches the above warranty and undertaking;
- f) accepts the guidelines, including these terms and conditions, and warrants for the benefit of the State that the Proponent will not breach the guidelines or seek to bring any claim, of any kind whatsoever, against the State which is precluded by the guidelines.

9. More information

Further information can be obtained from EDQ via:

- website: <http://www.dsdmip.qld.gov.au/economic-development-qld/building-acceleration-fund.html>
- email: BAF2020@dsdti.qld.gov.au
- phone: (07) 3452 7880

If at any time during the application process, a proponent considers that they have been unreasonably or unfairly treated and has not been able to resolve the issue with the Customer contact officer, the proponent may request for the issue to be dealt with in accordance with the Customer's complaint management process, and direct queries to: complaints@dsd.qld.gov.au



