

FREEDOM OF INFORMATION REQUEST SCHEDULE

Please be aware that under the *Freedom of Information Act 2016*, some of the information provided to you will be released to the public through the ACT Government’s Open Access Scheme. The Open Access release status column of the table below indicates what documents are intended for release online through open access.

Personal information or business affairs information will not be made available under this policy. If you think the content of your request would contain such information, please inform the contact officer immediately.

Information about what is published on open access is available online at: <https://www.act.gov.au/infrastructurecanberra/about/freedom-of-information>

NAME	WHAT ARE THE PARAMETERS OF THE REQUEST
iCBRFOI2025/37	<p><i>For tender reference: 30998-RFT-300 Tender Title: ARP Missing Links Package 1</i></p> <ul style="list-style-type: none"> • <i>All records of ministerial intervention on the tender process;</i> • <i>Any documentation or correspondence to project managers or any other ACT government employee or contractor which directs them to not provide scoring to tenderers in debriefs;</i> • <i>All correspondence, including emails, between the agency and 2.2(a)(ii), 28(6)(b)</i> • <i>All records with 2.2(a)(ii) in relation to the tender process of this project, including but not limited to phone call records, meeting minutes, emails and evaluation reports, recommended contractors (Formal or otherwise);</i> • <i>2.2(a)(xi), 28(6)(b)</i> • <i>Internal memos/emails, reports, meeting minutes, or briefings prepared in relation to this tender process in particular the requirement to speed up the process due to Ministerial invention;</i> • <i>Any other documentation not listed above that was taken into account when determining the successful tenderer; and</i> • <i>The final decision documentation, including the recommendation and approval of the successful tenderer.</i>



Section Ref No	Pages	Description	Date	Status	Reason for non-release or deferral	Open Access release status
1.	Not numbered	Release Schedule	29/08/2025	-	-	Yes
2.	4 – 7	Decision Letter	29/08/2025	-	-	Yea
3.	8 - 11	Correspondence 1	28/01/2025 – 18/02/2025	Partial	Schedule 2.2(a)(xi)	Yes
4.	12 - 17	Correspondence 2 <i>Pages removed 14 - 17 as only contains out of scope information, or information already provided correspondence 1</i>	28/01/2025 – 01/03/2025	Partial	Out of scope & duplicate Out of scope Duplicate	Yes
5.	18 - 25	Correspondence 3 <i>Pages removed 19 – 24 as only contains out of scope information, or information already provided correspondence 1</i>	28/01/2025 - 03/03/2025	Partial	Schedule 2.2(a)(ii) Out of scope Remove page Duplicate remove page	Yes
6.	26 - 42	2.2(a)(ii), 2.2(a)(xi), 28(6)(b)				No
7.	43 - 50	Correspondence 4 <i>Pages 44 – 50 removed as only contains out of scope information, or information already provided correspondence 1</i>	28/01/2025 - 06/03/2025	Partial	Duplicate Out of scope	Yes
8.	51	Correspondence 5	07/03/2025	Full release	-	Yes
9.	52 – 56	2.2(a)(ii), 2.2(a)(xi), 28(6)(b)				No
10.	57 - 98	2.2(a)(ii), 2.2(a)(xi), 28(6)(b)				No



Section Ref No	Pages	Description	Date	Status	Reason for non-release or deferral	Open Access release status
11.	99 - 163	2.2(a)(ii), 2.2(a)(xi), 28(6)(b)				No
12.	164 - 184					No
13.	185					No
14.	186 - 189					No

Our Ref: iCBRFOI2025/37

2.2(a)(ii)

[REDACTED]

[REDACTED]

[REDACTED]

Dear 2.2(a)(ii)

FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by Infrastructure Canberra (iCBR) on 03 JULY 2025.

In your information access request, you sought access to:

For tender reference: 30998-RFT-300 Tender Title: ARP Missing Links Package 1

- All records of ministerial intervention on the tender process;
- Any documentation or correspondence to project managers or any other ACT government employee or contractor which directs them to not provide scoring to tenderers in debriefs;
- All correspondence, including emails, between the agency and 2.2(a)(ii), 2.2(a)(xi), 28(6)(b) [REDACTED]
- All records with 2.2(a)(ii) in relation to the tender process of this project, including but not limited to phone call records, meeting minutes, emails and evaluation reports, recommended contractors (Formal or otherwise);
- 2.2(a)(ii), 2.2(a)(xi), 28(6)(b) [REDACTED]
- Internal memos/emails, reports, meeting minutes, or briefings prepared in relation to this tender process in particular the requirement to speed up the process due to Ministerial invention;
- Any other documentation not listed above that was taken into account when determining the successful tenderer; and
- The final decision documentation, including the recommendation and approval of the successful tenderer.

Authority

I am an Information Officer appointed by the Director General under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Decision on access

Searches were completed and the information was evaluated against applicability, duplication, and exemption under the Act. No documents were identified in relation to ministerial correspondence or intervention.

I have included the following as attachments to this Release Pack:

- Attachment A: Schedule of relevant documents;
- Attachment B: Decision letter;
- Attachment C: Information for release – Correspondence 1-9;

■ 2.2(a)(ii), 2.2(a)(xi), 28(6)(b)

■ [Redacted]

■ [Redacted]

■ [Redacted]

■ [Redacted]

The schedule of relevant documents provides a brief description of each item that falls within the scope of your request and the decision of release for each of item.

My decision in relation to the documents relevant to your request summarised as follows:

- Partial access to Attachment C-G
- Full release to Attachment H

My decision is detailed further in the following Statement of Reasons.

Statement of Reasons

In making my decision on disclosing government information, I must identify all relevant factors in Schedule 2 of the Act and determine, on balance, where the public interest lies.

In reaching my access decision, I have taken the following into account:

Factors favouring disclosure in the public interest (Schedule 2, Section 2.1)

- *Section 2.1(a)(i) – promote open discussion of public affairs and enhance the government’s accountability,*
- *Section 2.1(a)(iii) – inform the community of the government’s operations, including the policies, guidelines and codes of conduct followed by the government in its dealings with members of the community,*
- *Section 2.1(a)(iv) – ensure effective oversight of expenditure of public funds, and*
- *Section 2.1(a)(viii) – reveal the reason for a government decision and any background or contextual information that informed the decision.*

The release of this information may help promote transparency in government procurement and the use of public funds. I consider that disclosing the requested documents could reasonably contribute to open discussion of public affairs, informed debate on matters of public interest, and effective

oversight of expenditure. I am satisfied that these factors enhance accountability and public confidence in the decision-making process, and I afford them significant weight.

Factors favouring non-disclosure in the public interest (Schedule 2, Section 2.2)

- Section 2.2(a)(ii) – prejudice the protection of an individual’s right to privacy or any other right under the Human Rights Act 2004; and
- Section 2.2(a)(xi) – prejudice trade secrets, business affairs or research of an agency or person.

I have considered that the information contains personal contact details and commercially sensitive material. In addition, the scope of your request is limited to information relating to 2.2(a)(ii), 2.2(a)(xi), 28(6)(b). Accordingly, any information that concerns other tenderers is outside the scope and will not be disclosed. Disclosure of such information could prejudice the protection of individuals’ privacy and may reasonably be expected to impact the business affairs of the entities involved. I consider that these non-disclosure factors carry significant weight and outweigh the benefit of releasing this part of the material.

Charges

I have decided to waive any charges in relation to this Freedom of Information application.

Online Publishing – Disclosure Log

Under section 28 of the Act, iCBR maintains an official online record of access applications called a Disclosure Log. Your original access application, my decision and documents released to you in response to your access application will be published on the iCBR Disclosure Log within three to ten working days after the date of the decision.

Your personal details will not be published.

You may view the iCBR Disclosure Log at: [Disclosure log - Infrastructure Canberra \(act.gov.au\)](https://act.gov.au/disclosure-log).

Ombudsman Review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published on the iCBR Disclosure Log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601
Via email: actfoi@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) Review

Under section 84 of the Act, if a decision is made under Section 82(2) on an Ombudsman review, you may apply to ACAT for review of the Ombudsman decision.

Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal

Level 4, 1 Moore Street

GPO Box 370

CANBERRA CITY ACT 2601

Telephone: (02) 6207 1740

<http://www.acat.act.gov.au>

Should you have any queries in relation to your request, please contact me via email

iCBR.FOI@act.gov.au.

Please ensure you quote your reference number: **iCBRFOI2025/37**

Yours sincerely,

2.2(a)(ii)

Kyla Kerkow

Information Officer

Infrastructure Canberra

29/08/2025

From: Alaiek, Haytham
Sent: Tue, 18 Feb 2025 05:53:16 +0000
To: CMTEDD, Ethical Treatment of Workers Evaluation
Cc: Rose, Phillip
Subject: Re: Probity Forms - 30998-RFT-300 - ARP Supporting Active Travel
Attachments: Submissions 02.zip

Hi Phillip,

As mentioned in my previous email, please find attached **PART 2** of the tender submission. Let me know if you need any further information or if there are any issues with the files.

Cheers,
Haytham

From: Alaiek, Haytham <Haytham.Alaiek@act.gov.au>
Sent: Tuesday, 18 February 2025 16:51
To: CMTEDD, Ethical Treatment of Workers Evaluation <etwe@act.gov.au>
Cc: Rose, Phillip <Phillip.Rose@act.gov.au>
Subject: Re: Probity Forms - 30998-RFT-300 - ARP Supporting Active Travel

Hi Phillip,

Thank you for sending through the signed COI forms.

Attached is **PART 1** of the submission for this tender. Due to the file size, I will send the remaining documents in a separate email.

Cheers,
Haytham

From: CMTEDD, Ethical Treatment of Workers Evaluation <etwe@act.gov.au>
Sent: Monday, 17 February 2025 08:57
To: Alaiek, Haytham <Haytham.Alaiek@act.gov.au>
Cc: Rose, Phillip <Phillip.Rose@act.gov.au>
Subject: Probity Forms - 30998-RFT-300 - ARP Supporting Active Travel

OFFICIAL

Hi Haytham,

**Conflict of Interest Disclosure, Confidentiality Undertaking and Entity SLJC
Certificate Conformance Check for 30998-RFT-300 - ARP Supporting Active Travel
– Missing Links – Construction Services Package 1**

We have received a Respondent Report for Tender **30998-RFT-300**. Your Assessment Officer is Phillip Rose.

Please find attached the signed Conflict of Interest Disclosure, Confidentiality Undertaking and entity SLJC certificate conformance check in the table(s) below.

The applicable procurement requires a conformance check on the Secure Local Jobs Code certificate.

Respondents that hold a valid Secure Local Jobs Code Certificate as at the Tender close date:

Respondent	ABN	Cert.	Cert. dates	Expire date
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Schedule 2.2(a)(xi)

2.2(a)(xi), 28(6)(b)

Schedule 2.2(a)(xi)



NOTE: The SLJC Evaluation and Assessment process is designed to run in parallel and take no more than 20 days.

SLJC's 20-day KPI DOES NOT START until we receive all documentation, including the last pieces of documentation that may be missing. Receiving *some documentation* early doesn't speed up the process, documents are examined as a whole package. Please prioritise sourcing and providing all required documentation.

Please send all related documents regarding the assessment that includes the Fair and Safe Employment Criteria Response Schedule and the Labour Relations, Training and Workplace Equity Plan, and all referenced consultation meeting evidence and policy documents. These should be emailed to etwe.act.gov.au. If the documents are too large, please contact us. **At this time, we also require the details of the Delegate that will be signing the ETWE Recommendation Report.**

If you have any questions, please contact Phil at etwe@act.gov.au

Regards

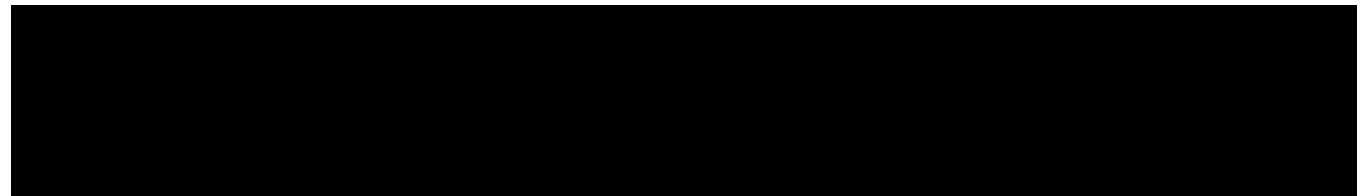
Phillip Rose | Senior Regulatory and Compliance officer

P: (02)6207 3005 | E: securelocaljobs@act.gov.au

Secure Local Jobs Code Branch | Office of Industrial Relations and Workforce Strategy

Chief Minister, Treasury and Economic Development Directorate (CMTEDD) | ACT Government

255 Canberra Avenue, Fyshwick | GPO Box 158 Canberra ACT 2601 | www.act.gov.au



The ACT Government values and encourages flexible work patterns to support work life balance. My work day may look different from your work day. Please do not feel obligated to respond outside your normal working hours.

From: Alaiek, Haytham <Haytham.Alaiek@act.gov.au>

Sent: Monday, 10 February 2025 12:30 PM

To: tendersACT <tendersACT@act.gov.au>; Price, Adam <Adam.Price@act.gov.au>

Cc: CMTEDD, Ethical Treatment of Workers Evaluation <etwe@act.gov.au>

Subject: Re: Ethical Treatment of Workers Evaluation - Nominated Officer

OFFICIAL

Thank you, Adam, for stepping in to keep things moving, greatly appreciated.

Hi Tenders Team,

I will be responsible for providing the relevant documents to the Secure Local Jobs Branch [@CMTEDD](#), [Ethical Treatment of Workers Evaluation](#) for assessment and scoring. I'm still waiting for the signed COI forms from their team. BTW, could you please grant me access to the W folder as well?

Best regards

Haytham

From: tendersACT <tendersACT@act.gov.au>

Sent: Tuesday, 28 January 2025 12:50

To: Alaiek, Haytham <Haytham.Alaiek@act.gov.au>; Price, Adam <Adam.Price@act.gov.au>

Subject: Ethical Treatment of Workers Evaluation - Nominated Officer

OFFICIAL

Good afternoon Haytham / Adam.

30998-RFT-300 - ARP Supporting Active Travel – Missing Links – Construction Services Package 1 is due to close on 04/02/2025.

The Secure Local Jobs Code applies to your project and, as part of the [Government Procurement \(Ethical Treatment of Workers Evaluation\) Direction 2021](#), a sole officer is required to be nominated to receive the Tender submissions.

The nominated officer will provide any relevant documents to the Secure Local Jobs Branch, via email.

Can you please confirm the nominated officer to receive the tender submissions once your tender has closed.

The Tender Closure email will be addressed to your nominated officer only.

Kind regards,

Tenders ACT Team

Phone: +61 2 6207 7377

Email: tendersACT@act.gov.au

Please consider the environment before printing this email. if printing is necessary, print double-sided and black and white

From: [Alaik, Haytham](#)
To: [CMTEDD, Ethical Treatment of Workers Evaluation](#)
Subject: Re: assessment 30998-RFT-300 - ARP Supporting Active Travel
Date: Saturday, 1 March 2025 8:02:00 AM

out of scope & duplicate



Hi Phil,

Apologies for not sending the docs earlier. Please find them attached.

Cheers,
Haytham

From: CMTEDD, Ethical Treatment of Workers Evaluation <etwe@act.gov.au>
Sent: Friday, 28 February 2025 11:38
To: Alaiek, Haytham <Haytham.Alaiek@act.gov.au>
Subject: assessment 30998-RFT-300 - ARP Supporting Active Travel

OFFICIAL

Hi Haytham,

Any news on the missing/incorrect **FAIR AND SAFE EMPLOYMENT CRITERIA RESPONSE SCHEDULE** documents for **2.2(a)(xi), 28(6)(b)**, out of scope

Regards
Phil

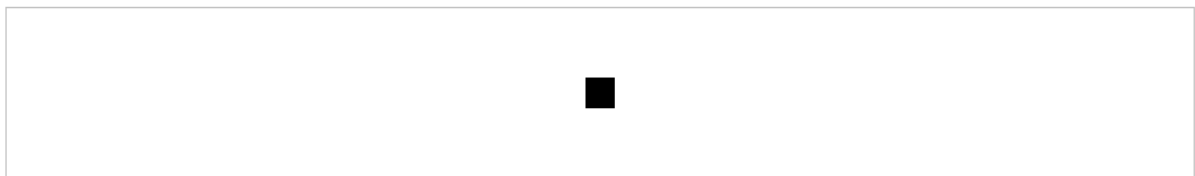
Phillip Rose | Senior Regulatory and Compliance officer

P: (02)6207 3005 | E: securelocaljobs@act.gov.au

Secure Local Jobs Code Branch | Office of Industrial Relations and Workforce Strategy

Chief Minister, Treasury and Economic Development Directorate (CMTEDD) | ACT Government

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My work day may look different from your work day. Please do not feel obligated to respond outside your normal working hours.

From: CMTEDD, Ethical Treatment of Workers Evaluation
Sent: Friday, 21 February 2025 1:32 PM
To: Alaiek, Haytham <Haytham.Alaiek@act.gov.au>
Subject: RE: Probity Forms - 30998-RFT-300 - ARP Supporting Active Travel

Hi Haytham,

It appears **2.2(a)(ii), 2.2(a)(xi), 28(6)(b)** have also used an old template for the **FAIR AND SAFE EMPLOYMENT**

CRITERIA RESPONSE SCHEDULE. This means they have also not answered the information regarding Modern Slavery.

Could you please chase this one up also.

Thanks

Regards

Phil

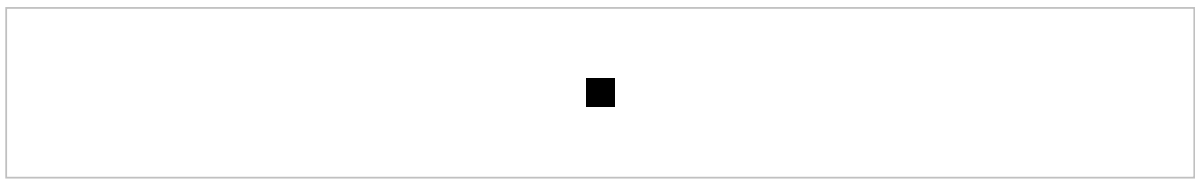
Phillip Rose | Senior Regulatory and Compliance officer

P: (02)6207 3005 | E: securelocaljobs@act.gov.au

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From: Alaiek, Haytham <Haytham.Alaiek@act.gov.au>

Sent: Thursday, 20 February 2025 3:40 PM

To: CMTEDD, Ethical Treatment of Workers Evaluation <etwe@act.gov.au>

Cc: Vernon, Gary <Gary.Vernon@act.gov.au>

Subject: Re: Probity Forms - 30998-RFT-300 - ARP Supporting Active Travel

OFFICIAL

Hi Phil,

Thank you for your email. I agree with your assessment and have reached out to both contractors requesting them to provide/update their forms by COB next Tuesday. Will keep you posted on any updates.

Regards,

Haytham

duplicate

Ball, Kirstie

From: Alaiek, Haytham
Sent: Monday, 3 March 2025 10:56 AM
To: CMTEDD, Ethical Treatment of Workers Evaluation
Subject: RE: assessment 30998-RFT-300 - ARP Supporting Active Travel

2.2(a)(xi), 28(6)(b) don't recall you requesting the one from 2.2(a)(xi), 28(6)(b), but no problem i will go ahead and request it from them as well.

Cheers,

Haytham Alaiek | Project Officer
Civil Infrastructure Branch | Infrastructure Project Solutions | Infrastructure Canberra
T. 02 6205 3023 | [Schedule 2.2\(a\)\(ii\)](#) | E. haytham.alaiek@act.gov.au
GPO Box 158, Canberra ACT 2601 | www.act.gov.au



From: CMTEDD, Ethical Treatment of Workers Evaluation <etwe@act.gov.au>
Sent: Monday, 3 March 2025 10:32 AM
To: Alaiek, Haytham <Haytham.Alaiek@act.gov.au>
Subject: RE: assessment 30998-RFT-300 - ARP Supporting Active Travel

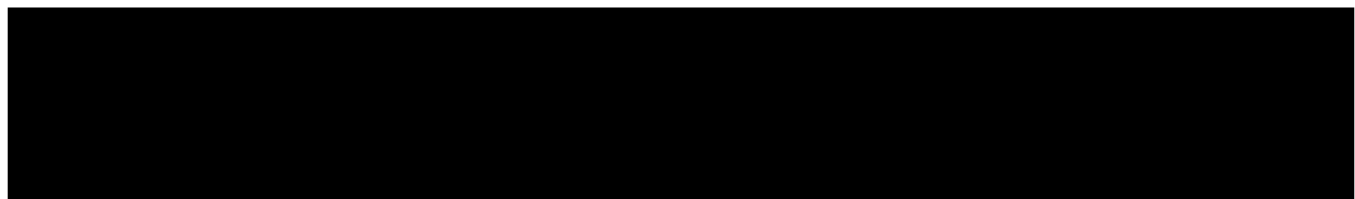
OFFICIAL

Thanks,

Also, still waiting on 2.2(a)(xi), 28(6)(b) They also submitted the old template. If you could also chase that please.

Regards
Phil

Phillip Rose | Senior Regulatory and Compliance officer
P: (02)6207 3005 | E: securelocaljobs@act.gov.au
Secure Local Jobs Code Branch | Office of Industrial Relations and Workforce Strategy
Chief Minister, Treasury and Economic Development Directorate (CMTEDD) | ACT Government
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duplicate [redacted]

Ball, Kirstie

From: Alaiek, Haytham
Sent: Thursday, 6 March 2025 7:17 AM
To: CMTEDD, Ethical Treatment of Workers Evaluation
Subject: RE: assessment 30998-RFT-300 - ARP Supporting Active Travel
Attachments: Fair-and-Safe-Employment-Criteria-Response-Schedule.pdf

Morning Phil,


 application as requested.

Cheers,

Haytham Alaiek | Project Officer
Civil Infrastructure Branch | Infrastructure Project Solutions | Infrastructure Canberra
T. 02 6205 3023 | M. 0431 711 111 | E. haytham.alaiek@act.gov.au
GPO Box 158, Canberra ACT 2601 | www.act.gov.au



duplicate

From: [CMTEDD, Ethical Treatment of Workers Evaluation](#)
To: [Alaiek, Haytham](#)
Subject: LRTWE Scoring Report of 30998-RFT-300 - ARP Supporting Active Travel
Date: Friday, 7 March 2025 2:06:53 PM
Attachments: 


OFFICIAL

Haytham Alaiek
Project Officer
Transport and Civil Infrastructure

We are attaching the following:

- Cover Letter
- The LRTWE Scoring Report

Please note:

Average Labour Relations, Training and Workplace Equity Plan scores 

We also want to emphasise the importance of informing the Secure Local Jobs Code Registrar of any decisions to award a contract to a respondent with below-average LRTWE scores.

SLJC branch tracks this data closely, and it will be factored into future Secure Local Jobs Code legislation and ETWE Directions. Please notify the Registrar of the Delegate's decision.

Contact the Registrar @ CMTEDD, Registrar Secure Local Jobs Code RegistrarSecureLocalJobs@act.gov.au

Please also note: In the spirit of helping respondents draft stronger, more robust ETWE and LRTWE submissions over time, the Secure Local Jobs Code branch is willing to attend debrief sessions to respondents who were unsuccessful in this tender and request a debrief through the normal procurement processes. To ensure governance and probity requirements are complied with we cannot coordinate these debriefs directly with respondents but can participate in your debriefs to provide tailored and specific information from SLJC.

Please do not hesitate to contact us if you have any questions or concerns about the report assessed.

Contact us @ CMTEDD, Ethical Treatment of Workers Evaluation etwe@act.gov.au

Regards
Phil Rose

Phillip Rose | Assessments and Compliance

P: (02)6207 3005 | E: securelocaljobs@act.gov.au

Secure Local Jobs Code Branch | Office of Industrial Relations and Workforce Strategy

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