



**Government
of South Australia**

23MIT8860

**Office of the
Minister for Infrastructure
and Transport
Minister for Energy and
Mining**

Level 14, 83 Pirie Street
Adelaide SA 5000

GPO Box 1533
Adelaide SA 5001

Tel 08 7133 1100

minister.koutsantonis@sa.gov.au

Hon David Speirs MP
Leader of the Opposition
leaderoftheopposition@parliament.sa.gov.au

Dear Mr Speirs

APPLICATION UNDER THE *FREEDOM OF INFORMATION ACT 1991*

I refer to your application made under the *Freedom of Information Act 1991* (the Act), dated 18 July 2023.

Your application seeks access to:

“Documents, including but not limited to minutes, memos, briefings and emails related to Acciona, between 1/08/2022 to 18/07/2023.”

An extensive search was conducted within this office. A total of 17 documents were identified as answering the terms of your application.

I grant you access in full to 2 documents; copies of which are enclosed.
I grant you access in part to 2 documents; copies of which are enclosed.
I refuse you access in full to 13 documents.

Documents Released in Full

2, 17

Documents Released in Part

2a, 2b, 7, 11

Documents Refused in Full

1, 3, 4, 5, 6, 8, 9, 10, 12, 13, 14, 15, 16

Documents Refused in Full

Documents 1, 3, 4 and 16 are exempt in full, as the documents were released under a previous determination (23MIT6162) sent to you on the 11 April 2023.

Documents 5 and 6 are internal working documents prepared by a committee within the Department for Infrastructure and Transport (the Department) which makes decisions relating to delivery of major projects from a financial performance perspective. It is not in the public interest to disclose the contents of these documents as it is important for the government to receive frank and comprehensive advice and opinions. Whilst there is a strong public interest in government accountability and transparency, there is the competing public interest to ensure that full and frank advice can occur in confidence. It is necessary that the Minister is appropriately informed and updated on such matters. I therefore determine these documents exempt in full pursuant to clause 9(1)(a)(i).

Documents 8, 9, 10 are documents relating to the tender process for the Majors Road Interchange contract.

Documents 12 and 13 are documents relating to the tender process for the Princes Highway Corridor Upgrade Works contract.

Document 14 is a joint media release between the Australian Government and Government of South Australia entitled 'Majors Road Interchange Project contract awarded'.

Documents 8 – 10 and Documents 12 – 13 contain information relating to third party companies. The disclosure of this information could reasonably be expected to have an adverse effect on their business affairs reducing their business advantage in a competitive field and any future tendering processes. I therefore determine these documents exempt in full, pursuant to clause 7(1)(c) to the FOI Act.

Document 15 is a copy of a draft media release for Minister Brock entitled 'Princes Highway upgrade rolls out to Limestone Coast'. Both media releases have not been released as are publicly available.

Documents Released in Part

Documents 2a, 2b, 7 and 11 are released in part as it contains mobile numbers. I therefore determine this information exempt pursuant to clause 6(1) to the Act.

Documents 7 and 11 contain the names of other companies who submitted tenders, including tender amounts for these particular projects. This information is commercially sensitive. I therefore determine this exempt pursuant to clause 7(1)(c) for the same reasons as mentioned above.

Exemptions

Clause 6 – Documents affecting personal affairs

- (1) A document is an exempt document if it contains matter the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

Clause 7– Documents affecting business affairs

- (1) A document is an exempt document—
 - (a) if it contains matter the disclosure of which would disclose trade secrets of any agency or any other person; or
 - (b) if it contains matter—
 - (i) consisting of information (other than trade secrets) that has a commercial value to any agency or any other person; and
 - (ii) the disclosure of which—
 - (A) could reasonably be expected to destroy or diminish the commercial value of the information; and
 - (B) would, on balance, be contrary to the public interest; or
 - (c) if it contains matter—
 - (i) consisting of information (other than trade secrets or information referred to in paragraph (b)) concerning the business, professional, commercial or financial affairs of any agency or any other person; and
 - (ii) the disclosure of which—
 - (A) could reasonably be expected to have an adverse effect on those affairs or to prejudice the future supply of such information to the Government or to an agency; and
 - (B) would, on balance, be contrary to the public interest.

Clause 9 — Internal working documents

- (1) A document is an exempt document if it contains matter—
 - (a) that relates to—
 - (i) any opinion, advice or recommendation that has been obtained, prepared or recorded; or
 - (ii) any consultation or deliberation that has taken place, in the course of, or for the purpose of, the decision-making functions of the Government, a Minister or an agency; and
 - (b) the disclosure of which would, on balance, be contrary to the public interest.

Please note, in compliance with Premier and Cabinet Circular PC045 - *Disclosure Logs for Non-Personal Information Released through Freedom of Information*

(PC045), details of your FOI application, and the documents to which you are given access, will be published in the agency's disclosure log. A copy of PC045 can be found at the following address: <https://dpc.sa.gov.au/resources-and-publications/premier-and-cabinet-circulars>. Please visit the website for further information.

No fees and charges are payable for this application.

If you are unhappy with this determination you are entitled to apply for an internal review, in accordance with section 29 of the FOI Act. To make an internal review application, please either write a letter or complete *Application for Review of Determination* form, to the Principal Officer of this agency, the Hon Tom Koutsantonis MP, within 30 (calendar) days after you receive this letter.

If you require any further information, please contact Vicky Cathro on (08) 7133 1100.

Yours sincerely



Carly McNeill
Accredited FOI Officer

17 / 8 /2023

OFFICIAL
Schedule of Documents

23MIT8860 - Speirs - Acciona

Doc. No.	Date	Description of Document	# of pages	Determination Recommendation	Exemption Clause	Reason
1	17/01/2023	Spain - energy transition briefing - Australian Trade and Investment Commission Meeting Brief	7	Refused in full		Disclosed under 23MIT6162
2	27/01/2023		2	Released in full		
2a	25/01/2023	Email 9.53am	2	Released in part	6(1) - Unreasonable disclosure of personal affairs	
2b	25/01/2023	Email 9.44am	1	Released in part	6(1) - Unreasonable disclosure of personal affairs	
3	10/02/2023	Email 9.22am - Briefings for Overseas Travel	3	Refused in full		Out of Scope Disclosed under 23MIT6162
4	1/02/2023	Itinerary for Europe February 2023 Travel	2	Refused in full		Disclosed under 23MIT6162
5	19/05/2023	Funding Strategy to support Bridge Stimulus Package	3	Refused in full	9(1)(a)(i) - Contains matter relating to opinion, advice or recommendation prepared for decision-making of the Government, a Minister or an agency & contrary to public interest	
					9(1)(a)(ii) - Contains matter relating to consultation or deliberation for decision-making of the Government, a Minister or an agency & contrary to public interest	

Schedule of Documents

Doc. No.	Date	Description of Document	# of pages	Determination Recommendation	Exemption Clause	Reason
6	19/05/2023	Bridge Stimulus Package Summary	1	Refused in full	9(1)(a)(i) - Contains matter relating to opinion, advice or recommendation prepared for decision-making of the Government, a Minister or an agency & contrary to public interest	
7	24/05/2023	Briefing	4	Released in part	7(1)(c)(i)(ii)(A)(B) - Contains information concerning the business, professional, commercial or financial affairs of any agency or person & contrary to public interest	
8		Attachment to Document 7 - Tender Assessment Report	82	Refused in full	7(1)(c)(i)(ii)(A)(B) - Contains information concerning the business, professional, commercial or financial affairs of any agency or person & contrary to public interest	

Schedule of Documents

Doc. No.	Date	Description of Document	# of pages	Determination Recommendation	Exemption Clause	Reason
9		Attachment to Document 7 - Tender Evaluation Executive Summary	2	Refused in full	7(1)(c)(i)(ii)(A)(B) - Contains information concerning the business, professional, commercial or financial affairs of any agency or person & contrary to public interest	
10		Attachment to Document 7 - Request for Proposal	13	Refused in full	7(1)(c)(i)(ii)(A)(B) - Contains information concerning the business, professional, commercial or financial affairs of any agency or person & contrary to public interest	
11	20/03/2023	Briefing	3	Released in part	7(1)(c)(i)(ii)(A)(B) - Contains information concerning the business, professional, commercial or financial affairs of any agency or person & contrary to public interest	
12		Attachment to Document 11 - Princes Highway Corridor Upgrade Works	14	Refused in full	7(1)(c)(i)(ii)(A)(B) - Contains information concerning the business, professional, commercial or financial affairs of any agency or person & contrary to public interest	

Schedule of Documents

Doc. No.	Date	Description of Document	# of pages	Determination Recommendation	Exemption Clause	Reason
13		Attachment to Document 11 - Tender Assessment Report	44	Refused in full	7(1)(c)(i)(ii)(A)(B) - Contains information concerning the business, professional, commercial or financial affairs of any agency or person & contrary to public interest	
14	18/07/2023	Joint Media Release Australian Government / Government of South Australia) - Majors Road Interchange Project contract awarded	4	Refused in full		publicly available
15	21/09/2022	Draft media release - Princes Highway upgrade rolls out to Limestone Coast	2	Refused in full		Media release publicly available
16		Acciona Executive International Visit (14 - 18 February 2023)	2	Refused in full		Disclosed under 23MIT6162
17		Meeting Brief (16 and 18 February 2023)	1	Released in full		

RELEASE



MINISTER FOR ENERGY AND MINING

Meeting Brief

ACCIONA Australia & New Zealand

ATTENDEES

- Louisa La Forgia, Head of Chief Executive Office
- Paul Heithersay, CE DEM (or Nick Smith)

TIME AND DATE

- Monday 30 January 2023

LOCATION

- Level 15, State Administration Centre, 200 Victoria Square

PURPOSE

- The purpose of this meeting is to discuss the delivery of infrastructure projects from a fiscal, environmental and community point of view.

BACKGROUND

- To responsibly unlock this unprecedented growth in renewable energy and hydrogen, South Australia requires a fit-for-purpose regulatory framework that provides a competitive process for accessing public land, respects Aboriginal people's rights and interests and delivers benefits for the environment and South Australian communities.
- This new regulatory framework will seek to 'raise the bar' and ensure the state hosts proponents that are willing to embrace coexistence of lands uses and support fair outcomes for owners of land uses to deliver community and environmental benefits through their projects, in line with leading environment, social and governance requirements.
- The proposed Act will not result in changes to the state's planning, conservation and safety legislation with these mechanisms to be retained and connected via 'the one window to government' licencing framework to ensure appropriate regulation of the whole project lifecycle.
- ACCIONA is also a respected international Tier 1 contractor, with significant tunnelling experience. ACCIONA have recently been awarded the Sydney Metro West – Central Tunnelling Package.

KEY SPEAKING POINTS

- The South Australian Government has recently commenced engagement on the proposed *Hydrogen and Renewable Energy Act*, with feedback sought via the YourSA website until 10 February 2023.
- As global economies continue to decarbonise, the resulting clean energy transformation will require significant changes in land use across the state. The scale of this proposed investment requires fresh consideration of our policies



and frameworks to ensure we are providing the best outcomes for Aboriginal people, communities, the environment and business.

- Through the *Hydrogen and Renewable Energy Act*, the South Australian government will develop an orderly, competitive and government-led regulatory framework for large scale hydrogen and renewable energy projects.
- The framework will also help to de-risk projects and provide industry with an orderly, efficient, and certain regulatory framework, under a “one window to government” approach.
- The South Australian Government recognises ACCIONA’s significant tunnelling experience, including the recent award of the Sydney Metro West – Central Tunnelling Package.
- The South Australian Minister for Transport and Infrastructure intends to visit ACCIONA’s head office in Spain to discuss this project in February.

ATTACHMENTS

NS EXECUTIVE DIRECTOR Mobile: Date: 27/01/ 2022	
Prepared by: Catherine Strange Phone / Mobile: +61884294426	

Meeting Brief

ACCIONA

ATTENDEES

- Jose Manuel Entrecañales
- Luis Castilla, CEO Infrastructure
- Huberto Moreno, Managing Director Construction
- Fernando Fajardo, Chief Business Development Officer
- Sean Bonham, Executive General Manager SW, Construction

TIME AND DATE

- Thursday 16 and Saturday 18 February

LOCATION

- Various locations

PURPOSE

- Acciona is a candidate to tender for the North-South Corridor project.
- This is an opportunity to meet with the team and visit a tunnelling project that they are undertaking in Madrid.

BACKGROUND

- ACCIONA is Spanish multinational conglomerate that develops and manages sustainable infrastructure solutions, especially in renewable energy.
- Its business spans the entire value chain, from design and construction through to operation and maintenance.
- It has a 100-year history and a global reputation for delivering complex, large-scale infrastructure and energy projects.
- ACCIONA's goal is to lead the transition towards a low-carbon economy, bringing technical excellence and innovation to all of its project.
- It has a presence in more than 40 countries and sales of €8,104 billion (euros) in 2021.
- Key 2021 Data:
 - 24,541 GWH produced
 - 1.033 trillion Litres of water treated
 - +6,000 km of roads constructed in more than 25 countries
 - 950,000 m² of social infrastructure in the past 13 years
 - 100% emissions offset
 - 13.4 Megatonnes CO₂ emissions avoided by renewable generation

RELEASE IN PART

Anastasiou, Helen (DIT)

From: Duff, Ann (DPC)
Sent: Wednesday, 25 January 2023 9:53 AM
To: Louisa La Forgia
Cc: Bistrovic, John (DPC)
Subject: RE: ACCIONA Chairman Jose Manuel Entrecanales

OFFICIAL

Hi Louisa

Further to your email below, the Premier has agreed to a meeting with ACCIONA Chairman, Jose Manuel Entrecanales on Monday 30 January. At such short notice, the only availability the Premier has on Monday is at 12:00pm for 30 minutes. The meeting will be in our offices, Level 15, State Administration Centre, 200 Victoria Square. The Premier has asked Minister Koutsantonis and Damien Walker to attend the meeting.

I'd be grateful for your early confirmation that this time is convenient.

Please provide a list of all attendees as soon as possible. Attendees will need to provide photo ID to security on the ground floor before proceeding to Level 15.

Kind regards
Ann

Ann Duff

Executive Assistant to the Hon Peter Malinauskas MP
Premier of South Australia

P +61 8 8363 8623 **M** +61 Clause 6 (1) -
Personal Affairs
e ann.duff3@sa.gov.au | **W** dpc.sa.gov.au
200 Victoria Square (Tarntanyangga), ADELAIDE SA 5000
GPO Box 2343, ADELAIDE SA 5001



We acknowledge this land. The Dreaming is still living. From the past, in the present, into the future, forever.

Information contained in this email message may be confidential and may also be the subject of legal professional privilege or public interest immunity. If you are not the intended recipient, any use, disclosure or copying of this document is unauthorised.

From: Louisa La Forgia <louisa.laforgia@acciona.com>
Sent: Friday, 20 January 2023 11:38 AM
To: Bistrovic, John (DPC) <John.Bistrovic@sa.gov.au>
Subject: ACCIONA Chairman Jose Manuel Entrecanales

You don't often get email from louisa.laforgia@acciona.com. [Learn why this is important](#)

Hi John

Damien Walker has forwarded your details via Brett Wickham, our CEO of ACCIONA Energia.

Our Chairman, Jose Manuel Entrecanales, will be visiting Australia from 30 January. Mr Entrecanales is a world leader and innovator in sustainability, with ACCIONA being carbon neutral since 2016. He is also the leader of one of the world's largest producer of renewable energy sources as well as global leader in infrastructure. His presence is ranging on all major world forums, whether this may be COP22 where he was in consultation with Prince Charles with Andrew Forrest or this week in Davos, where he was invited to attend the World Economic Forum

One of his key objectives is to meet with the Premier and Minister Koutsantonis to discuss how best we can collaborate with governments to reach an optimum outcome in delivery of these projects – from a fiscal, environmental and community point of view.

We are flexible to where we could meet the Premier – in Adelaide or interstate. With the pipeline of upcoming projects in SA, both from an energy and infrastructure perspective, we feel this is a conversation that will be most beneficial for both parties. Our commitment to be innovative and thinking laterally is proven with the award of the Western Harbour Tunnel in Sydney and is a result of this strong collaboration from the initial stages of the project.

Our global expertise, combined with our local capability, enabled us to explore an alternative design solution on this project and a result is it will deliver a better outcome in all facets of the project.

Our solution for Western Harbour Tunnel has a number of merits including:

- Reducing the environmental impact by negating the need to dredge the harbour.
- It is not only more cost effective, but also decreases carbon emissions during construction by 87%
- Subsequently it uses 27% less concrete and 75% less steel, compared to the original reference design.
- We are not at liberty to advise the cost saving but we can convey that it is significant.

This methodology is something we hope can be reproduced on any project in Australia, including and most pertinent, to South Australia.

I know Damien and Brett have flagged some options for the meeting/dinner in Adelaide, Sydney or Canberra but as directed by Damien, I will leave to you to advise of where is best and what is possible.

I look forward to hearing from you soon.

Best



Louisa La Forgia
Head of Chief Executive Office
ACCIONA Australia & New Zealand

+61 477 987 059

louisa.laforgia@acciona.com
www.acciona.com.au



Anastasiou, Helen (DIT)

From: Duff, Ann (DPC)
Sent: Wednesday, 25 January 2023 9:44 AM
To: Argirou, Jacqui (DIT); Smart, Rebecca (DPC)
Subject: RE: Meeting with ACCIONA Chairman Jose Manuel Entrecanales - Monday 30 January

OFFICIAL

Sorry – 12:00pm (not 12:30pm)

From: Duff, Ann (DPC)
Sent: Wednesday, 25 January 2023 9:43 AM
To: Argirou, Jacqui (DIT) <Jacqui.Argirou@sa.gov.au>; Smart, Rebecca (DPC) <Rebecca.Smart@sa.gov.au>
Subject: Meeting with ACCIONA Chairman Jose Manuel Entrecanales - Monday 30 January
Importance: High

OFFICIAL

Hi Jacqui and Bec

The Premier has agreed to a meeting with ACCIONA Chairman Jose Manuel Entrecanales on Monday 30 January at 12:30pm and would like Minister Koutsantonis and Damien Walker to attend. As this is normally Cabinet, I am expecting that both would be available.

I have attached the correspondence from ACCIONA for information.

I am yet to respond to ACCIONA but will do this morning, advising both the Minister and Damien will be attending (unless you advise otherwise). Once confirmed with ACCIONA, I will send through a meeting request.

Regards
Ann

Ann Duff
Executive Assistant to the Hon Peter Malinauskas MP
Premier of South Australia

P +61 8 8363 8623 **M** +61 Clause 6 (1) -
Personal Affairs
e ann.duff3@sa.gov.au | **W** dpc.sa.gov.au
200 Victoria Square (Tamtanyangga), ADELAIDE SA 5000
GPO Box 2343, ADELAIDE SA 5001



We acknowledge this land. The Dreaming is still living. From the past, in the present, into the future, forever.

OFFICIAL

MEETING REQUEST	
DATE RECEIVED	FRIDAY 20 JANUARY 2023
FROM (AUTHOR):	Louisa La Forgia - Head of Chief Executive Office ACCIONA Australia & New Zealand - M: 0477 987 059 - E: louisa.laforgia@acciona.com – on behalf of ACCIONA Chairman - Jose Manuel Entrecañales
ORGANISATION:	ACCIONA Australia & New Zealand
TO:	Premier
DATE PROPOSED:	FROM MONDAY 30 JANUARY 2023
PURPOSE OF MEETING:	Discuss the delivery of infrastructure projects from a fiscal, environmental and community point of view.
DECISION:	
REFER TO:	
ACTION REQUIRED:	
NOTES	

OFFICIAL

2022/06940
#20065533



Government of South Australia
Department for Infrastructure
and Transport

TO: MINISTER FOR INFRASTRUCTURE AND TRANSPORT
SUBJECT: APPROVAL TO AWARD CONTRACT NO. 22C150, DESIGN AND
CONSTRUCTION OF THE MAJORS ROAD INTERCHANGE

Decision/Action required by: 1 June 2023, to enable the contract award and
delivery of works for the project.

Business Unit	Transport Projects, Infrastructure Delivery	
Endorsed by	Simon Morony Executive Director Infrastructure Delivery Clause 6 (1) - Personal Affairs	<i>SM</i> 24/5/2023
Endorsed by	Jon Whelan Chief Executive Clause 6 (1) - Personal Affairs	<i>JW</i> 24/5/2023

RECOMMENDATION

It is recommended the Minister:

1. Approve, in accordance with Treasurer's Instruction 8, Financial Authorisations, the award of Contract No. 22C150, Design and Construction of the Majors Road Interchange to Acciona Construction Australia Pty Ltd, at an estimated cost of Clause 7 (1) (c) - Business Affairs including GST and 20% Contingency.

Approved / ~~Not Approved~~

Tom Koutsantonis

.....

Hon Tom Koutsantonis MP
MINISTER FOR INFRASTRUCTURE AND
TRANSPORT
4 16 / 2023

Comment
*This is a good opportunity
for roads and public
amenities.*

.....

.....

.....

For Official Use Only

This document and its contents may contain confidential information and may be subject to legal professional privilege or public interest immunity. If you are not the Intended recipient, any use, disclosure or reproduction is prohibited.

OFFICIAL

PURPOSE

- This minute seeks your approval, in accordance with Treasurer's Instruction 8, Financial Authorisations, to award Contract No. 22C150, Design and Construction of the Majors Road Interchange to Acciona Construction Australia Pty Ltd, at an estimated cost of Clause 7 (1) (c) - Business Affairs including GST and 20% Contingency.

BACKGROUND

- The Australian and South Australian governments are jointly funding (50:50) \$120 million, to construct a new interchange for the Southern Expressway at Majors Road and install traffic signals at the junction of Majors Road and Adams Road. This will provide commuters in Adelaide's southern suburbs with increased network connectivity, and support economic activity in the southern commercial and industrial areas.
- The project will also provide improved access to Glenthorne National Park - Ityamaitpinna Yarta, Sam Willoughby International BMX Facility and Southern Soccer Facility from the Southern Expressway.
- An Acquisition Plan (Attachment 1) was approved on 23 September 2022, by the Chair, Procurement Committee.
- Amendments to the Acquisition Plan and Evaluation Plan (Attachment 2) were approved on 14 October 2022, by the A/Director Project Procurement and Contracts.
- The procurement strategy was a two-stage process as follows:
 1. Expression of Interest for companies appropriately prequalified with the Department for the National Prequalification System for Roadworks and Bridgeworks to R4, B3 and F75, with a minimum of two Tenderers being shortlisted for the Request for Proposal (RFP); and
 2. RFP recommending one Tenderer for Contract Award.
- In accordance with this approval, an Expression of Interest was released on SA Tenders on 31 October 2022, and closed on 29 November 2022, with submissions received from the following companies:
 - Acciona Construction Australia Pty Ltd;
 - Clause 7 (1) (c) - Business Affairs
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
- Following assessment of the Expression of Interest, on 23 December 2022, the A/Executive Director, Transport Project Delivery approved the shortlisting of Acciona Construction Australia Pty Ltd and Clause 7 (1) (c) - Business Affairs to participate in the RFP phase.

For Official Use Only

This document and its contents may contain confidential information and may be subject to legal professional privilege or public interest immunity. If you are not the intended recipient, any use, disclosure or reproduction is prohibited.

OFFICIAL

DISCUSSION

- A RFP was released to the two shortlisted Tenderers on SA Tenders on 10 January 2023, and closed on 28 March 2023.
- Tenders were received as follows:

Tenderer	Tendered Amount (including GST)
Acciona Construction Australia Pty Ltd Clause 7 (1) (c) - Business Affairs	Clause 7 (1) (c) - Business Affairs

- The Department for Infrastructure and Transport's (the Department) estimate, submitted at time of tender by Independent Estimator, Fission Pty Ltd, as per the tender schedule (Attachment 3) is Clause 7 (1) (c) - Business Affairs (including GST) for the Acciona Construction Australia Pty Ltd proposal and Clause 7 (1) (c) - Business Affairs (including GST) for the Bardavcol Pty Ltd proposal.
- The tender evaluation processes were undertaken in accordance with the approved Evaluation Plan and compliant with all requirements specified in the Conditions of Tendering and relevant Department and South Australian Government procurement policies and procedures.
- Each Tenderer submitted a compliant Industry Participation Plan with scores incorporated into the tender evaluation process.
- A copy of the Tender Assessment Report is enclosed (Attachment 4).
- The lowest Tender from Acciona Construction Australia Pty Ltd is recommended. The accumulation of the evaluation criteria (Price, Non-Price and Industry Participation) showed Acciona Construction Australia Pty Ltd returned the lowest Adjusted Comparative Price and therefore the highest ranking overall. A dashboard summary of the evaluation is enclosed (Attachment 5).
- The Department is satisfied that Acciona Construction Australia Pty Ltd has the technical and financial capacity to perform the specified works. Acciona Construction Australia Pty Ltd has successfully completed projects of a similar size and complexity including Contract No. 15C650, Northern Connector (which includes design and construction of interchanges) and they are currently completing Contract No. 21C274, Design and Construction of Various Bridge Replacement Projects.
- The recommended Contract Sum is made up as follows:

Tendered Amount (excluding GST)	Clause 7 (1) (c) - Business Affairs
Contingency (20%)	
Sub Total	
GST (10%)	
Total	
- The Contingency of 20% has been assessed as an appropriate allowance for project risks and any additional services that may be required.
- Funding is available from the Majors Road Interchange budget.
- In accordance with the Treasurer's Instruction 8, Financial Authorisations (Attachment 6), advice from the Department of Treasury and Finance (DTF) is required prior to your approval of a contract award of \$15 million and over. The DTF advice is provided at Attachment 7.

For Official Use Only

This document and its contents may contain confidential information and may be subject to legal professional privilege or public interest immunity. If you are not the intended recipient, any use, disclosure or reproduction is prohibited.

OFFICIAL

ATTACHMENTS:

1. 22C150 Acquisition Plan (19282258)
2. 22C150 Acquisition Plan and Evaluation Plan Amendment Approval (19388218)
3. 22C150 Tender Schedule (19970536)
4. 22C150 Tender Assessment Report (20104513)
5. 22C150 Majors Road Evaluation Dashboard (20131469)
6. Treasurer's Instruction 8, Financial Authorisations (16364623)
7. DTF Acquittal dated 21 May 2023 (20130394)

For Official Use Only

This document and its contents may contain confidential information and may be subject to legal professional privilege or public interest immunity. If you are not the intended recipient, any use, disclosure or reproduction is prohibited.

OFFICIAL

2021/18108/01
#19625536



Government of South Australia
Department for Infrastructure
and Transport

TO: MINISTER FOR INFRASTRUCTURE AND TRANSPORT
SUBJECT: APPROVAL TO AWARD CONTRACT NO. 21C952, FOR RN8400
PRINCES HIGHWAY CORRIDOR UPGRADE WORKS

Decision/Action required by: *Date to be entered on A/ED approval – to enable the contract award and delivery of works for the project.*

Business Unit	Transport Project Delivery		
Approved by	Brian Roche A/Executive Director	BR	10/03/2023
Endorsed	Jon Whelan Chief Executive		20 /03/2023

RECOMMENDATION

It is recommended the Minister:

- Approve, in accordance with Treasurer's Instruction 8, Financial Authorisations, the award of Contract No. 21C952, for RN8400 Princes Highway Corridor Upgrade Works, to Acciona Constructions (Australia) Pty Ltd, at an estimated cost of **Clause 7 (1) (c) - Business Affairs** including GST and 30% Contingency.

Approved/Not Approved

.....
Hon Tom Koutsantonis MP
MINISTER FOR INFRASTRUCTURE AND
TRANSPORT
20/3 / 2023

Comment

.....
.....
.....
.....
.....

For Official Use Only

This document and its contents may contain confidential information and may be subject to legal professional privilege or public interest immunity. If you are not the intended recipient, any use, disclosure or reproduction is prohibited.

OFFICIAL

PURPOSE

- This minute seeks your approval, in accordance with Treasurer's Instruction 8, Financial Authorisations, to award Contract No. 21C952, for RN8400 Princes Highway Corridor Upgrade Works to Acciona Construction Australia Pty Ltd, at an estimated cost of **Clause 7 (1) (c) - Business Affairs** including GST and 30% Contingency.

BACKGROUND

- The Australian Government developed a Princes Highway Corridor Strategy in February 2019, which outlined the need for a "whole-of-corridor" perspective of the current and future role of the Princes Highway, including economic, social and environmental factors, as well as the principle of movement and place.
- The objectives of the Princes Highway Corridor Upgrade are:
 - Improving safety and providing efficient driving conditions along the length of the Corridor.
 - Promoting better access and road connectivity along the Corridor.
 - Activating the Corridor to drive better regional development and industry performance.
 - Promoting more efficient and environmentally sustainable use of the Corridor.
 - Supporting Corridor investments, which add value, are well-informed and link together as part of an overarching vision for the Corridor.

FINANCIAL AND PROCUREMENT SUMMARY

- An Acquisition Plan (Attachment 1) was approved by the Executive Director, Transport Project Delivery, on 9 March 2022.
- The procurement strategy was a Select Tender to a minimum (Category 3) Preferred Supply Arrangement Civil and Bridges (PSACB) members.
- Tenders were released on SA Tenders on 2 September 2022, and closed on 3 November 2022.
- Tenders were received from the following companies:

Tenderer	Tendered Amount (including GST)
Clause 7 (1) (c) - Business Affairs	Clause 7 (1) (c) - Business Affairs
Acciona Construction Australia Pty Ltd	Clause 7 (1) (c) - Business Affairs
Clause 7 (1) (c) - Business Affairs	Clause 7 (1) (c) - Business Affairs

For Official Use Only

This document and its contents may contain confidential information and may be subject to legal professional privilege or public interest immunity. If you are not the intended recipient, any use, disclosure or reproduction is prohibited.

OFFICIAL

- The tender evaluation processes were undertaken in accordance with the approved Evaluation Plan, and compliant with all requirements specified in the Conditions of Tendering and relevant Department and South Australian Government procurement policies and procedures.
- Each tenderer submitted a compliant Industry Participation Plan with scores incorporated into the tender evaluation process.
- The tender documents are not included in the file due to their bulkiness and are available for your viewing, if required. A copy of the Tender Assessment Report is enclosed (Attachment 3).
- The tender from Acciona Construction Australia Pty Ltd is recommended. The accumulation of the evaluation criteria (Price, Non-Price and Industry Participation) showed Acciona Constructions Australia Pty Ltd returned the highest ranking overall score.

Clause 7 (1) (c) - Business Affairs

- The Department is satisfied that Acciona Constructions Australia Pty Ltd has the technical and financial capacity to perform the specified works and has completed projects of a similar size and complexity. These projects include Contract No. 21C274, Design and Construct, Various Bridge Replacements, on ten sites across regional South Australia including the Horrocks Highway and current Contract No. 21C560, RN8400 Princes Highway Corridor Upgrade Works.

- The recommended Contract Sum is made up as follows:

Clause 7 (1) (c) - Business Affairs

- The Contingency has been assessed as an appropriate allowance for any additional services that may be required. Funding is available from the RN8400 Princes Highway Corridor budget.
- In accordance with the Treasurer's Instruction 8, Financial Authorisations (Attachment 4), advice from the Department of Treasury and Finance (DTF) is required prior to your approval of a contract award of \$15 million and over. The DTF advice is provided at Attachment 5.

ATTACHMENTS

- Attachment 1: 21C952 Approved Acquisition Plan (#18453079).
- Attachment 2: 21C952 Tender Schedule (#19474550).
- Attachment 3: 21C952 Approved Tender Assessment Report (#19625636)
- Attachment 4: Treasurer's Instruction 8, Financial Authorisations (#16364623).
- Attachment 5: DTF Acquittal (#19922777).

For Official Use Only

This document and its contents may contain confidential information and may be subject to legal professional privilege or public interest immunity. If you are not the intended recipient, any use, disclosure or reproduction is prohibited.