**Deed Poll regarding compliance with *Professional Engineers Registration Act* 2019 (Vic) dated \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [month] 20XX**

Made by

(ABN ) of **[insert address]** (**Supplier**)

in favour of

**The State of Victoria** through the Department of Treasury and Finance of 1 Treasury Place, East Melbourne, Victoria 3002 (**Department**)

1. Definitions

In this Deed Poll unless inconsistent with or excluded by the context:

**CSR** means the ‘Construction Supplier Register’ administered by the Department for suppliers of construction works and construction services interested in Victorian Government construction and infrastructure projects.

**CSR Category** means the applicable category on the CSR from which the Supplier is engaged.

**Directions** means the directions for public construction issued by the Minister responsible for Part 4 of the *Project Development and Construction Management Act 1994 (Vic),* as amended and updated from time to time.

**Employee** means any director, company secretary, employee or contractor of, or engaged by, the Supplier.

**Endorsed Building Engineer** has the meaning given to that term in the PER Act.

**PER Act** means the *Professional Engineers Registration Act 2019* (Vic).

**Professional Engineering Service** has the meaning given to that term in the PER Act.

**Project** means a construction or infrastructure project on which the Supplier has been engaged by a portfolio department or agency (as both of those terms are defined in the Directions) as a result of a Public Construction Procurement.

**Public Construction Procurement** has the meaning given to that term in the Directions.

**Registered Professional Engineer** has the meaning given to that term in the PER Act.

1. Undertaking on compliance

The Supplier undertakes to the Department that:

* + 1. if it is engaged to provide Professional Engineering Services on a Project, it will ensure that any Employee involved in providing those Professional Engineering Services:
       1. is an Endorsed Building Engineer in the area of engineering required by the PER Act as is relevant to the Professional Engineering Services being provided; or
       2. provides the Professional Engineering Services under the direct supervision of a person who is an Endorsed Building Engineer in the area of engineering required by the PER Act as is relevant to the Professional Engineering Services being provided.
    2. it has the capacity, and appropriate quality assurance and management processes in place, to ensure it can provide the Professional Engineering Services to a level required for the Project scale and complexity, within the relevant CSR Categories;
    3. it will, if requested by a portfolio department or agency (as both of those terms are defined in the Directions), provide full details of all Employees that are working on a Project to deliver Professional Engineering Services, such evidence which must include:
       1. whether those Employees are:
       2. an Endorsed Building Engineer in the area of engineering as required by the PER Act as is relevant to the Professional Engineering Services being provided; or
       3. under the direct supervision of a person who is an Endorsed Building Engineer in the area of engineering required by the PER Act as is relevant to the Professional Engineering Services being provided and if so, who the person undertaking that direct supervision is; and
       4. any other information requested by the Department;
    4. it has full power to enter into and perform its obligations under this Deed Poll and it has taken all necessary action to authorise the entry into and performance of this Deed Poll; and
    5. this Deed Poll is legal, valid, binding and enforceable against it.

1. Breach of this Deed Poll

Without limiting any other rights of the Department or the State of Victoria, the Supplier acknowledges that the Department will be entitled to suspend the Supplier from the CSR if the Supplier breaches any term of this Deed Poll, in its absolute discretion.

1. Governing law and jurisdiction

This Deed Poll is governed by the laws of Victoria.

1. Waiver and exercise of rights
   * 1. A waiver of any right, power or remedy under this Deed Poll must be in writing and signed by the Department. The fact that the Department fails to do, or delays in doing, something does not amount to a waiver of its rights under this Deed Poll.
     2. A single or partial exercise or waiver by the Department of a right relating to this Deed Poll does not prevent any other exercise of that right or the exercise of any other right.
     3. The Department is not liable for any loss, cost or expense of the Supplier caused or contributed to by the waiver, exercise, attempted exercise, failure to exercise or delay in the exercise of a right.

**Signed, sealed and delivered as a Deed Poll**

|  |  |  |
| --- | --- | --- |
| **[TO BE USED IF SUPPLIER IS A CORPORATION]**  Signed, sealed and delivered by **ACN**  **ABN**  acting by the following persons or, if the seal is affixed, witnessed by the following persons in accordance with s 127 of the *Corporations Act 2001* (Cth): |  |  |
|  |  |  |
| Signature of Company Secretary/Director |  | Signature of Director |
|  |  |  |
| Name of Company Secretary/Director (print) |  | Name of Director (print) |
|  |
| Date: / / |

**[TO BE USED IF SUPPLIER IS A PARTNERSHIP]**

|  |  |  |
| --- | --- | --- |
| Signed, sealed and delivered for and on behalf of [**insert Partnership name**] by a partner of that partnership under the authority of [**insert name of authorising document**] dated [**insert date**] who has no notice of revocation of that authority in the presence of: |  |  |
|  |  |  |
| Signature of witness |  | Signature of partner |
|  |  |  |
| Name of witness (print) |  | Name of partner (print) |
|  |
| Date: / / |