

Terms and Conditions of EOI Submission

Public art proposal by Macquarie Group, Martin Place
Integrated Station Development



1. General

- 1.1 The purpose of this Expression of Interest (“EOI”) is to identify a shortlist of artist applicants with whom Macquarie may negotiate a contract with to provide Public Art Works within the Metro Martin Place Integrated Station Development (“MMP”).
- 1.2 The applicant shortlist selection process will take place between 1 May 2019 and 28 June 2019 and is organised by Macquarie Group (“Macquarie”).
- 1.3 Macquarie reserves the right in its sole discretion to allow applicants to participate and enter an Expression of Interest (“EOI”).
- 1.4 This EOI is governed by the laws of New South Wales, Australia. The applicant submits to the exclusive jurisdiction of the courts in the jurisdiction named above in relation to any dispute arising from this EOI.
- 1.5 All information relating to this EOI provided by Macquarie, whether in the EOI or not, is provided in good faith to assist the applicant to assess and respond to the EOI. Macquarie makes no representations or warranties regarding the accuracy or completeness of the information.
- 1.6 The applicant acknowledges that Macquarie is not liable for any loss, damage or expense suffered by the applicant as a result of any inaccuracy or inadequacy in any information it provides to the applicant or any reliance on such information by the applicant.
- 1.7 Macquarie is not bound to accept any EOI and reserves the right in its absolute discretion to extend, vary, suspend, terminate or abandon this EOI.
- 1.8 Submission of a response to the EOI (“Applicant Proposal”) does not create any obligation on Macquarie to buy any goods from the applicant or create a contract for the provision of Services by the applicant until the later of the acceptance of the Applicant Proposal by Macquarie and execution of a formal written contract between Macquarie and the successful applicant.
- 1.9 Macquarie in its sole discretion reserves the right to select the successful Applicant Proposal(s).

2. Entry

- 2.1 In order to submit an Applicant Proposal, applicants must submit the required material as outlined in the stage one description in the “Expression of Interest information” document.
- 2.2 Only applicants who are successful will be notified of their selection to be included on the shortlist.
- 2.3 Macquarie will not be obliged to consider any Applicant Proposal submitted later than the Closing Date or otherwise not in accordance with the EOI Terms and Conditions (in whole or part). Macquarie may, in its sole and absolute discretion, permit any Applicant Proposal lodged after the Closing Date to be admitted for evaluation.

3. Cost and expenses

- 3.1 All costs and expenses associated with the preparation and submission of an Applicant Proposal will be the responsibility of the applicant.

4. Confidentiality

- 4.1 All applicants will be required to enter into a Confidentiality Agreement prior to receipt of the MMP artists brief. The EOI, all related documents and emails, information disclosed during any EOI related discussions, meetings, presentations and communications are “Confidential Information”. The applicant must treat all Confidential Information as confidential. The applicant must not disclose any Confidential Information without the express written approval of Macquarie.

5. Important dates

Expressions of Interest are to be submitted through the nominated portal by **5.00pm on 17 June 2019** (“Closing Date”).

- 5.1 A shortlist of successful applicants will be selected by Macquarie by no later than 1 July 2019 (or such longer period as reasonably determined by Macquarie) by notification to successful artists.
- 5.2 Shortlisted applicants will be provided with the MMP artists brief no later than 1 July 2019 (or such longer period as reasonably determined by Macquarie) and provided with a nominal fee (as determined by Macquarie) to assist with development of concepts, as well as further information on important dates and the selection process.
- 5.3 Macquarie may in its sole discretion extend the timeframe for submission of Applicant Proposals at any time prior to the Closing Date by giving written notice of the extension to all applicants.