



SCM100002 PROCUREMENT LIST

# SCM100002 Procurement List – Applicant Guidelines

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For Construction Services Valued Over \$9 million

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#### **More information**

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## What's Changed?

To facilitate procurements valued over \$9 million excluding GST, a separate Procurement List (PL) has been established.

The PL for construction services was originally established in 2020 as part of Scheme SCM1461 to meet the requirements of NSW Procurement Board Direction PBD 2019-05-Enforceable Procurement Provisions (EPP).

With the IT System changeover to the buy.nsw Supplier Hub System, NSW Public Works, in collaboration with the Department of Customer Service (DCS), has taken this opportunity to streamline the application process and flow of prequalification information to users.

The new online application form for SCM100002 has gone live on the buy.nsw Supplier Hub System and it is available at [SCM100002 Online Application](#).

The existing prequalified suppliers with Individual Financial Thresholds over \$9 million have been transferred to the newly created SCM100002 Procurement List.

Already prequalified suppliers who want to increase their allocated individual financial threshold or to apply for additional work categories/capabilities must apply through the Supplier Hub System and submit the required information for assessment and approval.

## Where to Start?

PL Conditions for Participation and associated documents for Applicants and Agencies are available at the [Procurement List for Construction Services Valued Over \\$9 million Scheme Page](#).

### **Terms and Definitions**

Refer to [Terms and Definitions](#) used in this document.

### **Registering and Applying for Prequalification**

Applicants must be registered on the Suppliers Hub before commencing the application process at [Log in or Sign up](#).

PL membership/prequalification is only granted once the online application has been lodged and approved. Prequalification does not extend to related or subsidiary companies or entities of a prequalified supplier.

The online application form for this PL is available at [SCM100002 Online Application](#).

Each step of the application process is explained in the Application Lodgement section.

### **Enquiries**

For enquiries please contact: [contractorprequal@pwa.nsw.gov.au](mailto:contractorprequal@pwa.nsw.gov.au)

# Contents

<b>What's Changed?</b> .....	<b>1</b>
<b>Where to Start?</b> .....	<b>2</b>
<b>1 Procurement List Overview</b> .....	<b>5</b>
1.1 What is a Procurement List? .....	5
1.1 Guiding Principles for the PL .....	5
<b>1. Capabilities</b> .....	<b>7</b>
2.1 Work Categories .....	7
2.2 Contract System/Delivery Models .....	7
<b>2. Eligibility Checklist</b> .....	<b>9</b>
<b>3. Application Lodgement</b> .....	<b>15</b>
3.1 Online Application via buy.nsw Supplier Hub .....	15
<b>4. Application Assessment and Outcome</b> .....	<b>18</b>
4.1 Application Assessment .....	18
4.2 Financial Threshold for Prequalification .....	18
4.3 Application Outcome .....	19
<b>5. Review, Appeals and Complaints</b> .....	<b>20</b>
<b>6. Frequently Asked Questions</b> .....	<b>21</b>
<b>7. Terms and Definitions</b> .....	<b>23</b>



# 1 Procurement List Overview

## 1.1 What is a Procurement List?

This PL provides a mechanism for the NSW Government, local councils and universities to procure construction services valued over \$9 million. A PL is a list of suitable suppliers who can be used for more than one procurement by one or more agencies, and it is equivalent to a prequalification scheme.

This PL was established in accordance with Part 6 of the EPP and may be used for a procurement to which the EPP applies. NSW Procurement Policy Framework Section of this document describes the EPP and includes the policy framework and legislation applicable.

The NSW Government invites international and domestic Suppliers to make an Application to be included on this PL. Applications are continuously open and the period of the PL is indefinite, which means it will continue to operate until Suppliers are notified of its termination.

The Application process must be completed via the Supplier Hub website, previously called the eTendering system. If the NSW Government is satisfied that the Applicant meets the Conditions for Participation, the Applicant will be included on the PL as a Supplier.

Only Suppliers, or a limited number of Suppliers, included on the PL may receive invitations from NSW Government agencies to make submissions relating to procurements for which the list was established.

NSW Government agencies may also seek to conduct negotiations relating to any procurements from Suppliers included on the PL. This may include post tender negotiations with the preferred tenderer.

The following table lists the key benefits of the PL:

Benefits to NSW Government	Benefits to Suppliers
Easy identification of Suppliers to be included in submissions for construction services. This reduces the time, cost and risk to agencies who need to comply with the EPP provisions	Ability to be invited by NSW Government to make submissions for construction services
A centralised prequalification assessment based on objective criteria to appoint suitable Suppliers	Continuously open Application process including to increase the maximum value for which the Supplier is prequalified based on financial capacity and previous experience
Sharing of performance related information and volume allocation to construction Suppliers across the NSW Government	A streamlined approach to submit a single Application and prequalify for all agencies

## 1.1 Guiding Principles for the PL

The guiding principles for the PL are:

- Agencies and Suppliers using the PL must comply with the PL Conditions. Lodging an application evidences the Applicant's agreement to comply with the PL Conditions, if appointed to the PL.

- Domestic and international suppliers are encouraged to apply. Applications will be assessed regardless of location.
- Aboriginal-owned businesses, particularly those who have the capacity and capability to deliver projects in regional NSW, are encouraged to apply.
- Appointment to the PL is not a guarantee that tendering opportunities will be offered. Tendering opportunities are offered individually by Agencies using the Supplier Hub system.
- Supplier must keep their online profile information up to date and advise the Government Agency responsible for the PL of all material changes to their circumstances.
- Agencies may request additional information, such as current financial statements, during the tendering process or at time of contract.
- Standard contract terms and conditions, for example based on the GC21 contracting suite, will apply to engagements for work, however the contractual agreement between an agency and Supplier are outside the scope of this PL.
- Suppliers must maintain a satisfactory record of compliance with PL Conditions. This includes ensuring that all their sub-contractors, consultants and employees also comply with their legal obligations.
- Suppliers must comply with government business ethics requirements set out in Procurement Policy documents, including [PBD-2017-07 Conduct by Suppliers](#).
- Failure by a Supplier to comply with PL Conditions may result in removal from the list and will limit future business opportunities with government agencies.
- False declarations in the Application process may void the application and may lead to disqualification from future applications to any of the Government's prequalification schemes and panel arrangements.



# 1. Capabilities

## 2.1 Work Categories

This PL covers the following work categories related to construction services as defined in the EPP Board Direction:

- **Building Works:** This category is for multi-trade building works for new buildings and additions to existing buildings. It includes some design coordination and design management and may also involve minor heritage works, associated civil works and elements of fitout and refurbishment work, as well as the final preparation of internal areas for occupation by the client in new and existing buildings.
- **Heritage Building Works:** Heritage specialty including restoration and conservation works and or associated stonemasonry, carving & fixing, roofing, carpentry, plastering and painting.
- **Modular Building Works:** Modular building specialties including portable buildings, prefabricated buildings, modules or sections manufactured off-site and amenable to on-site expedited delivery or modular assembly.
- **Fit out and Refurbishment:** This category is for fit out and refurbishment work. It further includes the final preparation of internal areas for occupation by the client in new and existing buildings.
- **Civil Works:** This category is for civil engineering works including excavation and bulk earth works, minor roads and related works.
- **Water Infrastructure:** Water supply infrastructure specialties including reservoirs, dams and or associated pipelines, pumping stations, balance tanks, surge tanks, storage tanks and discharge structures.
- **Wastewater Infrastructure:** Wastewater infrastructure specialties including sewage treatment plants and or associated pipelines and pumping stations.

## 2.2 Contract System/Delivery Models

Procuring entities may approach Suppliers for the provision of services under the following Contract System/Delivery Models:

- **Construct Only (C):** The Supplier may be responsible for completing the Principal's design and carrying out design documentation and design coordination to the extent specified and for construction using designs and documentation prepared by the Principal. The Supplier's design obligation may include preparation of fabrication drawings and may include completion of other design details.
- **Design and Construct (D&C):** The Supplier is responsible for a significant part of the design, design development, and documentation and design coordination, as well as construction.
- **Managing Contractor (MC):** The managing Supplier may be engaged on a project brief, to commission, manage and accept responsibility for consultants that design the works and Suppliers that construct the works. The Principal may also engage a Project Manager or Project Director to manage the Managing Supplier Contract and to support and advise the Principal. A Managing Supplier Contract usually involves the payment of actual reasonable costs (up to a Guaranteed Construction Sum(s), where agreed for construction work, or a Guaranteed Price for all the work) plus fees.

On the online application form, select at least Construct Only and more contract systems that your organisation is seeking to provide services for if included on the PL. This selection should be based on your demonstrated recent experience and capabilities.

## 2. Eligibility Checklist

The NSW Government recommends that international and domestic companies considering applying for inclusion on the PL, should complete the below PL Eligibility Checklist. The checklist provides an indication as to whether the Applicant may be eligible for inclusion on the PL.

A positive outcome does not guarantee that the Applicant will be successful in its Application for the PL. A negative outcome in any criteria will provide an indication as to areas where an Applicant may be unable to meet eligibility requirements. Where the Applicant is not eligible for inclusion on the PL, the Applicant may then implement actions to address eligibility before applying for inclusion on the PL.

Note that once included on the PL, Agencies seeking submissions from Suppliers may request additional information on financial capability, require the Supplier to have an Australian bank account or may request a [Working with Children's Check](#) on nominated personnel.

Conditions for Participation (reference to PL Conditions)	Eligibility criteria	Compliant (Yes or No)
Legal Capacity (3.1.1)	<p><i>The Applicant has the legal capacity to enter into contracts with the NSW Government.</i></p> <ul style="list-style-type: none"> <li>• Applicant has a current Australian Business Number (ABN)</li> <li>• A Legal Entity must apply for prequalification in its own right</li> <li>• If applicable, additional evidence of company registration outside of Australia</li> </ul> <p><i>Applications may only be lodged by legal entities with an ABN. A business or trading name is not a legal entity unless it is also the name of the registered company. Applicants should ensure the Application identifies a legal entity as the Applicant.</i></p> <ul style="list-style-type: none"> <li>• <b>Trusts and trustees and natural persons</b> are ineligible for inclusion on the PL</li> <li>• <b>Companies that possess relevant experience in specified fields may be eligible to apply for the PL for particular Categories.</b></li> <li>• <b>An incorporated joint venture (JV) must meet the criteria for inclusion on the PL in its own right and provide a copy of the joint venture agreement. Where a newly-formed JV may have difficulty satisfying some of the criteria referable to financial capacity, the same principles regarding newly-formed companies may apply</b></li> <li>• <b>An unincorporated joint venture may comprise separate legal entities coming together and combining strengths for the purpose of undertaking specific projects. An unincorporated joint venture is not an entity in its own right and operates under a contractual arrangement between the joint venture parties. Both parties to the joint venture need to be assessed in their own right. The unincorporated joint venture</b></li> </ul>	Yes / No

Conditions for Participation (reference to PL Conditions)	Eligibility criteria	Compliant (Yes or No)
	<p><i>arrangement will need to be assessed in addition to other criteria. Applications will need to include a copy of the joint venture agreement and the structure of the joint venture for consideration.</i></p> <ul style="list-style-type: none"> <li>• <b>Newly registered companies, including overseas companies newly registered with ASIC, may not have a trading history in Australia and will therefore be required to provide information about their trading history overseas.</b></li> <li>• <b>Overseas company must apply for the PL in the name of the entity that they will be entering into contracts in Australia and provide information relevant to that particular entity.</b></li> </ul>	
	<ul style="list-style-type: none"> <li>• Applicants cannot be a Trust or trustee</li> </ul>	Yes / No
	<ul style="list-style-type: none"> <li>• Applicants are not applying for the same category of work and Individual Financial Threshold as any already included Supplier who is a related, associated or subsidiary business entity of the Applicant.</li> </ul>	Yes / No
	<ul style="list-style-type: none"> <li>• Applicants are not a joint venture applying for the same category of work or Individual Financial Threshold as any of the parties to the joint venture.</li> </ul>	Yes / No
	<ul style="list-style-type: none"> <li>• Agreement to the NSW Government Supplier Code of Conduct (refer section 8.4 of PL Conditions).</li> </ul>	Yes / No
	<ul style="list-style-type: none"> <li>• Whether, on reasonable grounds, there is an unacceptable level of risk arising from legal proceedings (including fines) issued or underway against the Applicant in the two years preceding the Applicant's application.</li> </ul>	Yes / No
Financial Capacity (3.1.2)	<p><i>The Applicant has the financial capacity to enter into contracts with the NSW Government:</i></p>	
	<ul style="list-style-type: none"> <li>○ Financial viability of the entity that is the Applicant is proven through financial statements for the previous two financial years:</li> </ul>	Yes / No
	<ul style="list-style-type: none"> <li>○ Applicants must provide audited financial statements where available. If the Applicant is not required to prepare audited financial statements, statutory accounts which have been prepared by an external accountant are to be provided</li> </ul>	
	<ul style="list-style-type: none"> <li>○ Financial statements for any other organisation than the Applicant (e.g. parent company) will not be accepted, except when the Applicant is covered by an ASIC Deed of Cross Guarantee</li> </ul>	

Conditions for Participation (reference to PL Conditions)	Eligibility criteria	Compliant (Yes or No)
	<ul style="list-style-type: none"> <li>○ For Australian companies, the financial statement must represent same ABN as provided for the Applicant. International companies must demonstrate how the entity that has provided the ABN is the same as the entity for which the financial statements have been provided</li> <li>○ Financial statements must be prepared following internationally recognised Accounting Standards, such as IFRS, US-GAAP, or AASB. Financial statements should be provided in US Dollars, Euro or Australian Dollars</li> <li>○ The Applicant should be able to demonstrate all of the following: <ul style="list-style-type: none"> <li>○ Net Tangible Assets (Total Assets less Total Liabilities less intangibles) of not less than 5% of the Upper Contract Value sought</li> <li>○ Current Ratio (ratio of current assets to current liabilities) in excess of 1.</li> <li>○ Working Capital in excess of 10% of the Upper Contract Value sought</li> <li>○ a minimum annual turnover of \$1 million.</li> </ul> </li> </ul> <p><i>Where NSW Government does not have full confidence in the accuracy of the financial statement, it reserves the right to reject the application or request certain securities in addition to the normal contract securities. The securities required would be in the form of an Unconditional Undertaking provided by and claimable through an approved Australian bank or a foreign bank with a full banking licence in Australia and permanent branches established in Australia, preferably within New South Wales.</i></p>	
	<ul style="list-style-type: none"> <li>● The Directors of the Applicant have never been insolvent or bankrupt.</li> </ul>	Yes / No
	<ul style="list-style-type: none"> <li>● The Applicant can provide the total contract value of a project delivered over the past two years.</li> </ul>	Yes / No
Commercial Ability (3.1.3)	<p><i>The Applicant has the commercial ability to enter into contracts with the NSW Government:</i></p> <ul style="list-style-type: none"> <li>● Agreement that the Applicant is willing to enter into a substantially unamended form of the template contracts that make up the GC21 contracting suite as published at <a href="https://buy.nsw.gov.au/resources/gc21">https://buy.nsw.gov.au/resources/gc21</a> should they be successful in a submission to an Agency after being included on the PL. GC21 is the main contracting suite used by NSW Government Agencies and will underpin most contracts offered following a successful tender submission.</li> </ul>	Yes / No

Conditions for Participation (reference to PL Conditions)	Eligibility criteria	Compliant (Yes or No)
	Note: some Agencies may use slightly amended versions of GC21 when contracting to accommodate the specific needs of the Agency.	
	<ul style="list-style-type: none"> <li>At least two of the organisation’s senior staff members have completed <a href="#">GC21 cooperative based contracting training</a>, which is also available online, and can provide evidence of the course attended.</li> </ul>	Yes / No
	<ul style="list-style-type: none"> <li>At least two of the Key Personnel nominated by the Applicant have completed training relating to Conflict Resolution and can provide evidence of the course attended.</li> </ul>	Yes / No
	<ul style="list-style-type: none"> <li>At least two of the Key Personnel nominated by the Applicant have completed training relating to Alternative Dispute Resolution and can provide evidence of the course attended</li> </ul>	Yes / No
	<ul style="list-style-type: none"> <li>The Applicant can demonstrate its ability to work collaboratively with stakeholders.</li> </ul>	Yes / No
	<ul style="list-style-type: none"> <li>The Applicant can demonstrate its ability to manage industrial relations.</li> </ul>	Yes / No
	<ul style="list-style-type: none"> <li>The Applicant can demonstrate that adequate Quality Management Systems (QMS) systems are in place, including through certification to ISO 9001 through an organization listed by JAS-ANZ.</li> </ul>	Yes / No
	<ul style="list-style-type: none"> <li>The Applicant can demonstrate that QMS systems are being followed and complied with through the submission of the following documents: <ul style="list-style-type: none"> <li>Two Inspection and Test Plans (ITP) developed within the past two years and evidence that they have been implemented on projects.</li> </ul> </li> </ul>	Yes / No
	<ul style="list-style-type: none"> <li>The Applicant can demonstrate that adequate Work Health and Safety (WHS) systems are in place, including through accreditation/certifications such as: <ul style="list-style-type: none"> <li>Certification to ISO 45001 through an organization listed by JAS-ANZ, or</li> <li>Current accreditation with the Office of the Federal Safety Commissioner.</li> </ul> </li> </ul>	Yes / No
	<ul style="list-style-type: none"> <li>The Applicant can demonstrate that WHS systems are being followed and complied with through the submission of one of the following documents for two projects: <ul style="list-style-type: none"> <li>Third party WHS Audit Report, or</li> <li>Site Safety Inspection Report signed off by WHS Manager, or</li> <li>Site Corrective Action Report signed off by WHS Manager.</li> </ul> </li> </ul>	Yes / No

Conditions for Participation (reference to PL Conditions)	Eligibility criteria	Compliant (Yes or No)
	<ul style="list-style-type: none"> <li>The Applicant can demonstrate that adequate Environmental Management Systems (EMS) systems are in place, including through certification to ISO 14001 through an organization listed by JAS-ANZ.</li> </ul>	Yes / No
	<ul style="list-style-type: none"> <li>The Applicant can demonstrate that EMS systems are being followed and complied with through the submission of the following documents: <ul style="list-style-type: none"> <li>Two Environmental Management Plans developed and used by the Applicant on separate projects. These plans must comply with the Applicants EMS certification/accreditation.</li> </ul> </li> </ul>	Yes / No
	<ul style="list-style-type: none"> <li>The Applicant can demonstrate that key personnel has qualifications relating to project management, including through qualifications such as: <ul style="list-style-type: none"> <li>A university degree in project management</li> <li>A higher education qualification with a substantial project management component</li> <li>BSB51407 Diploma of Project Management or equivalent qualification</li> <li>Certified Practising Project Practitioner (CPPP) by Australian Institute of Project Management (AIPM)</li> <li>PRINCE2 practitioner</li> <li>PMP (certified project management professional) by Project Management Institute, Inc. USA.</li> </ul> </li> </ul>	Yes / No
	<ul style="list-style-type: none"> <li>The Applicant can demonstrate that project management systems are being followed and complied with through the submission of the following documents: <ul style="list-style-type: none"> <li>Two Project Management Plans developed and used by the Applicant on separate projects. These plans must address the typical elements of a project management plan as per the above personnel qualifications.</li> </ul> </li> </ul>	Yes / No
Technical Ability (3.1.4)	<p><i>The Applicant has the technical ability to enter into contracts with the NSW Government:</i></p> <ul style="list-style-type: none"> <li>The Applicant can demonstrate at least two years of relevant organisational experience delivering contracts within the categories nominated, wherever they have occurred.</li> </ul> <p><i>Applicants should demonstrate how experience on overseas projects (if any) is available to the Australian entity applying for inclusion on the PL.</i></p>	Yes / No

Conditions for Participation (reference to PL Conditions)	Eligibility criteria	Compliant (Yes or No)
	<ul style="list-style-type: none"> <li>The Applicant must provide two separate client referees or performance reports for fully completed contracts delivered during the last three years for each nominated Work Category with contracts value/engagement fees valued over \$9M.</li> </ul>	Yes / No
	<ul style="list-style-type: none"> <li>The Applicant can demonstrate experience of key personnel in categories nominated, wherever it has occurred.</li> </ul>	Yes / No
Additional information (3.1.5)	<i>The following additional information will be asked of Applicants for informational purposes only and do not form part of the conditions of participation</i>	
	<ul style="list-style-type: none"> <li>The Applicant can provide details of an authorised representative who can submit the Application for and on behalf of the Applicant.</li> </ul>	Yes / No
	<ul style="list-style-type: none"> <li>The Applicant can provide information on the organisation’s corporate structure, years in operation, number of FTEs and contact details.</li> </ul>	Yes / No
	<ul style="list-style-type: none"> <li>The Applicant can provide details on the countries and regions within Australian (if applicable) that it has serviced.</li> </ul>	Yes / No
	<ul style="list-style-type: none"> <li>The Applicant can demonstrate its commitment to the Skills and Training Policy .</li> </ul>	Yes / No
	<ul style="list-style-type: none"> <li>The Applicant can demonstrate its compliance with the Modern Slavery Act.</li> </ul>	Yes / No



## 3. Application Lodgement

Please read the PL Conditions document before commencing your Application.

### 3.1 Online Application via buy.nsw Supplier Hub

It is now mandatory for suppliers that want to actively sell to NSW Government or respond to advertised government opportunities to have a buy.nsw Supplier Hub account.

A Legal Entity must apply for prequalification in its own right. Ensure that the Applicant's Entity Name, which is listed on the ABN Lookup, is used when lodging an application for prequalification.

Please refer to [Schemes – Suppliers User Guide](#) for detailed instruction on how to create a Supplier Hub account. For assistance, please email [buy.nsw@customerservice.nsw.gov.au](mailto:buy.nsw@customerservice.nsw.gov.au) or call 1800 679 289.

Applicants should read and understand the PL Conditions for Participation and Applicant Guidelines before applying for membership/prequalification. It is important to complete **all** steps in the application process including answering all mandatory questions.

The online application for the PL membership is available at [SCM100002 Procurement List Application](#). It has the following sections:

- Your Supplier Profile
- Capabilities
- Scheme Specific Questions
- Terms and conditions
- Review and submit

Section	Response
<b>Supplier Profile</b>	<p>This information has been drawn from your Supplier Hub account and will form part of your PL application. Please review this information. If you wish to change any details, you will need to do so in your Supplier Hub account.</p> <p>Please acknowledge that the information in this section and current and accurate and go the next section of the online application form</p>
<b>Capabilities</b>	<p>Select at least one capability you wish to apply for and Construct only Contract System/Delivery Models.</p> <p><i>Note for the already approved suppliers: Please do not de-select the previously approved capabilities while applying for additional capabilities if you want to keep the approved capability(ies).</i></p>
<p><b>Scheme Specific Requirements</b></p> <p>Applicants are required to complete all of the following mandatory questions below:</p>	<p>Scheme specific questions are not capabilities, but these are mandatory requirements that must be met to be approved on the PL.</p>

Section	Response
- Key contacts	Provide the details of key business contacts for enquiries regarding this application.
- Scheme membership	Have you ever had a contract, or a scheme membership terminated for cause by an agency, including poor performance or due to investigations for wrongful behaviour? Select Yes/No
- Commonwealth Modern Slavery Act	Describe how the organisation is compliant with the Commonwealth Modern Slavery Act.
- NSW Government's skills and training policy	Describe the organisation's approach to the NSW Government's skills and training policy.
- Fines	Complete and upload the Fines template.
- Contact and Key Personnel	Complete and upload the Contact and Key Personnel template.
- Financial details	Complete and upload the Financial details table.
- Financial Statements	Upload a copy of your annual financial statements for the last two years.
- Cooperative based contracting	Attach Cooperative based contracting (GC21) certificates completed by 2 senior staff.
- Conflict resolution training	Attach conflict resolution certificates completed by two senior staff.
- Alternative dispute resolution	Attach alternative dispute resolution certificates completed by two senior staff.
- Quality management systems	Upload certification to ISO 9001 through an organisation listed by JAS-ANZ.
- Quality management reports	Provide two inspection and test plans (ITP) developed in the past two years and evidence that they have been implemented on projects.
- WHS management system	Upload certification to ISO45001 through an organisation listed by JAS-ANZ, or current accreditation with the Office of the Federal Safety Commissioner.
- WHS management reports	<p>Provide evidence of one of the following site-specific WHS documents from two separate contracts completed within the last 2 years:</p> <ul style="list-style-type: none"> <li>• Third party WHS audit report, or</li> <li>• Site safety inspection report signed-off by WHS manager, or</li> <li>• Site safety corrective action report signed-off by WHS manager</li> </ul>

Section	Response
- Collaboration with stakeholders	How have you demonstrated your ability to work collaboratively with stakeholders? Provide examples.
- Collaboration - industrial relations	How have you demonstrated your ability to manage industrial relations? Provide examples
- Project management systems	Provide related qualifications of key personnel
- Project management plans	Provide two project management plans developed and used by the applicant on separate contracts
- Environmental management system (EMS)	Provide a copy certification to ISO 14001 through an organisation listed by JAS-ANZ.
- Environmental management plans	Provide two environmental management plans developed and used by the applicant on separate projects.
- Experience	<p>Complete and upload the Experience template detailing the company experience in the last 3 years.</p> <p>At least 2 examples for each work category (capability) applying for are required with contracts value/engagement fees valued over \$9M.</p>
- Client referee reports / CPR's	<p>Provide relevant client referee reports / CPR's that demonstrate in the work categories (capabilities) applied for. These reports must be in relation to contracts completed within the last 3 years.</p> <p>Each work category must be supported by at least 2 reports that clearly align to that work category with contracts value/engagement fees valued over \$9M.</p> <p>The Referee Report template provided should be used or provide all of the information listed on this template.</p>
- Terms and conditions	To become a scheme member, you must agree to the Terms and Conditions.
- Review and submit	Please review your application prior to submission. Upon submission you will receive a confirmation email.

## 4. Application Assessment and Outcome

### 4.1 Application Assessment

Applications are assessed based on four main criteria are used (but not limited to) to verify that the Applicant satisfies the conditions of participation.

Examples (but not limited to) are listed below:

- Legal Capacity – e.g., a current Australian Business Number (ABN) listed on the ABN Lookup/ASIC Register for the Entity name (not the business name) lodging the Application.
- Financial Capacity – e.g., the Applicant is financially solvent and not under external administration.
- Commercial Ability – e.g., certificates provided (qualifications, licenses, certifications, and accreditations).
- Technical Ability – e.g., two separate Client/Referee Reports/CPRs for fully completed contracted engagements for each Work Category and Financial threshold applied.

The following methods may be used to verify that the Applicant satisfies these conditions of participation:

- A lookup on the Australian Business Register (ABR) and Australian Securities and Investments Commission (ASIC) websites to validate information including the ABN, Entity Name, Business Address provided by the Applicant.
- For international entities, a lookup on websites similar to the ABR that allow validation of the Applicant's company registration and information.
- Calculation and assessment of financial benchmarking ratios, including Net Tangible Assets (Total Assets less Total Liabilities less intangibles), Current Ratio (ratio of current assets to current liabilities), Working Capital and annual turnover.
- Engagement of an external assessor to verify the financial viability of the Applicant independent of where the business activity occurred.
- Evaluation of the Applicant's commercial and technical abilities on the basis of the information provided by the Applicant about its business activities, wherever they have occurred.
- Referee checks to validate the nominated project experience and the experience of key personnel.
- Checks to validate the accuracy of any certificates provided, such as for qualifications, licenses, certifications, and accreditations.

### 4.2 Financial Threshold for Prequalification

The assessor will determine the Applicant's maximum financial threshold for tendering based on its demonstrated financial capability and contract performance capability. The maximum financial threshold represents the potential value of the largest single contract, for tendering opportunities once included on the PL. The financial threshold will be the lesser of the financial capability (determined by a third part financial assessment) and the highest value of any successfully completed contract over the past three years.

*Example:*

Financial Capacity = \$100 million

Project 1: contract value at \$80 million

Project 2: contract value at \$60 million

The Applicant will be included on the PL with a maximum financial threshold of \$80 million.

Applicants should note that the maximum financial threshold is only indicative, as it represents the Applicant's financial capacity at a particular point in time. NSW Government will require an updated financial assessment to be undertaken prior to the award of any contract, at regular periods during a contract and while included on the PL.

## 4.3 Application Outcome

On completion of application assessment, the Supplier Hub System will send an automated email to the nominated Supplier Hub account's contact person. Details about the assessment outcome will be available in details under the "My Applications" Tab in your Supplier Hub account.

It is highly recommended to review any comment listed under the "Notes to Supplier" sections before contacting the Scheme Owner for clarifications. The Applicant will also be able to review the rejected application, amend it and re-submit it with additional information as required.

For more information and to review details of the assessment outcome notes, refer to [Schemes User Guide – Suppliers and Scheme Members](#). If you couldn't find what you were looking for, please email [buy.nsw@customerservice.nsw.gov.au](mailto:buy.nsw@customerservice.nsw.gov.au) or call 1800 679 289.

## 5. Review, Appeals and Complaints

Debriefs of unsuccessful Applications are available upon request by sending an email to the Scheme Owner. If an Applicant is not satisfied with the Application's outcome regarding, the Applicant may request a formal review or appeal the outcomes by sending an email to the Scheme Owner.

Complaints may include covered procurement complaints which refer to alleged breach(es) of the EPP which must be managed by the NSW Government in accordance with Part 11, Divisions 5 to 7 of the Public Works and Procurement Act (as amended by the Public Works and Procurement Amendment Act).

For further information about review, appeals and complaints refer to the PL Conditions for Participation.

## 6. Frequently Asked Questions

### 1) My organisation is an overseas company, can we apply?

Yes. The Application will be assessed regardless of where the Applicant is located and where previous experience occurred. You do not need experience providing your services in Australia or contracting with its Agencies to be included on the PL. This is in alignment with the [Enforceable Procurement Provisions](#) as well as the NSW Government's [ten-point plan](#) to better enable suppliers, including international suppliers, to work with the NSW Government.

The NSW Government recognises there will be difficulties for overseas based Applicants in establishing operations within Australia. Some of the challenges and difficulties typically faced by overseas Applicants include the following:

- the cost of establishing operations with no guarantee of immediate work
- the need to mobilise staff quickly after contracts are awarded in order to meet contractual time obligations
- a lack of knowledge and experience with local conditions
- having no established relationships with local suppliers (materials & plant) and subcontractors
- a lack of knowledge of local legislation including environmental and work health & safety legislation
- a lack of familiarity with NSW Government's standard forms of contract and specifications.

We invite overseas Suppliers that are confident they can address the above points to submit an Application.

### 2) My organisation only undertakes work in a specific field e.g. engineering, roofing etc. How can I be included on the PL?

The PL covers Work Categories as specified in this document. If your organisation's capabilities fit within the category descriptions, you can apply to become prequalified.

### 3) What type and how many referee reports do I need?

Two (2) separate referee reports per category of work for which the organisation seeks to submit an application. The separate referee reports must be for projects completed within the last three (3) years with engagement fees valued over \$9 million.

### 4) Can I use referee reports for partially completed jobs in my application?

Only referee reports for completed works are acceptable.

### 5) Can I use a single referee report for multiple work categories in my application?

A referee report for multiple work categories can be used and it must include a relevant/detailed description of the construction activities performed, including a detailed breakdown of the contract price for each of the work categories.

### 6) Can I use referee reports for work that was completed when I was working in or managing another organisation?

Only referee reports for the applicant entity are acceptable.

**7) Once I am included on the PL – am I guaranteed work?**

The organisation is eligible to be considered for government work as it arises, based on Agency needs. There is no guarantee of work.

**8) Is the government Agency responsible for the PL is also the Client on construction services that is procured through this PL?**

The Client is almost always another NSW Government Agency rather than the government Agency responsible for the PL. The government Agency responsible for the PL only very rarely initiates construction services for its own limited needs. The government Agency responsible for the PL does have a role to operate the PL to support the project delivery needs of NSW Government Agencies.

**9) To what value of work can I considered once included on the PL?**

Based on the information provided by the Applicant to demonstrate its financial capacity, the NSW Government will determine a maximum financial threshold to which the Supplier will be considered for participating to agencies tendering opportunities once included on the PL.

**10) What do I need to do to remain included on the PL?**

Suppliers need to continue to meet the requirements of the PL on an ongoing basis including retaining certifications and accreditations of Management Systems, meeting financial assessment requirements as well as meeting performance score benchmarks on Contractor Performance Reports. The organisation will need to continually monitor its ability to remain on the PL and contact the government Agency responsible for the PL should any significant aspect of its capability or profile information change.

**11) What do I need to increase my maximum financial threshold?**

If you wish to increase your financial threshold, you will need to resubmit your application with work examples and two separate referee reports for fully completed contracts within the last 3 years for with engagement fees above the current threshold. Client Referee Reports from private sector clients are acceptable.

Note that:

- Existing suppliers approved through eTendering system are required to submit new applications through the Supplier Hub System for assessment and approval. New documents will be re-assessed as part of this application process. Therefore, it is crucial to provide compliant and up-to-date information.
- A mandatory third-party financial assessment based on your company's up-to-date financial statements will be performed.



## 7. Terms and Definitions

Term	Definition
ABN	Australian Business Number (ABN) is a unique number issued by the Australian Business Register (ABR) which is operated by the Australian Taxation Office (ATO) Under the A New Tax System (Australian Business Number) Act 1999. It identifies the business and is used in commercial transactions and dealings with the ATO.
ACN	Australian Company Number (ACN) is a unique number issued by the Australian Securities and Investments Commission (ASIC) to every company registered under the Commonwealth Corporations Act 2001 as an identifier.
Agency	NSW Government agencies, and other clients using the PL. This includes State owned corporations, universities, local councils etc. (Agencies).
Applicant	An entity that has applied for inclusion on the PL.
Application	Refers to the online application form and responses within it to produce a formal request to be considered for inclusion on the PL.
buy.nsw	The central repository for all NSW Government procurement, <a href="https://buy.nsw.gov.au">https://buy.nsw.gov.au</a>
Construction Services	Services relating to construction of buildings or works, including <ul style="list-style-type: none"> <li>a) pre-erection works</li> <li>b) construction work</li> <li>c) repairs, alterations and restorations.</li> </ul>
Contract system	A system for managing contracts, based on the type of services provided by the Supplier.
Contractor performance report (CPR)	A report completed using the NSW Government's CPR template or accepted method.
Enforceable Procurement Provisions (EPP)	The <a href="#">Procurement (Enforceable Procurement Provisions) Direction 2019</a> under the Public Works and Procurement Act 1912.
Framework	NSW Procurement Policy Framework - the suite of legislation, policies, Board Directions and other rules that apply to procurement in NSW (including construction procurement).
Government	New South Wales Government.
Procurement List (PL)	A list established in accordance with Part 6 of the EPP that includes Suppliers who have met the conditions of participation. A PL is intended to be used more than once for procurements by one or more Agency.
Regional NSW	Includes all areas within NSW outside the Newcastle, Sydney and Wollongong metropolitan areas.

Term	Definition
Small or Medium Enterprise	An Australian or New Zealand based enterprise with fewer than 200 full time equivalent (FTE) employees.
Supplier	An entity that has been included on the Procurement List to provide construction services valued over \$9 million (ex GST).
Supplier Hub (formerly eTendering)	The NSW Government’s repository for past, current and future tenders. Suppliers can apply for prequalification schemes, manage their scheme Application and change contact details. Agencies use the site to select prequalified Suppliers for tendering opportunities.
The government Agency responsible for the PL	Department of Regional NSW.
Work Categories	A system to classify similar types of work, e.g. building works, civil works and fitout.
Works	Construction work including building works, fitout and civil works but excluding construction related consultancy services, architectural design and heritage conservation.