

Electric Vehicle Fleet Charging Infrastructure Prequalification Scheme

SCM13381 Agency Guidelines

NSW Procurement

Where to start

**Buy.NSW**

All relevant documents related to SCM13381 can be found on Buy.NSW [Electric Vehicle Fleet Charging Infrastructure Scheme | info.buy.nsw](https://info.buy.nsw.gov.au/schemes/ev-charging-infrastructure-scheme), including:

* Scheme Conditions
* Guidelines for Agencies (this document)

**Terms and definitions**

Some terms and words used in this document have a defined meaning (refer to Attachment A)

**Supplier Hub**

To view and select Suppliers included on the Scheme, log in to [Supplier Hub](https://suppliers.buy.nsw.gov.au/) as a buyer.

**Enquiries**

For enquiries please contact: NSWGFleetElectrification@treasury.nsw.gov.au or contact the NSW Procurement Service Centre (details below).

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[Buy.nsw.gov.au](https://buy.nsw.gov.au/)

Title: SCM13381 Agency Guidelines

NSW Procurement

More information

Contact the NSW Procurement Service Centre

1. Telephone: 1800 NSW BUY (1800 679 289)
2. Email: nswbuy@treasury.nsw.gov.au

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# 1 NSW Government Electric Vehicle Fleet Charging Infrastructure Prequalification Scheme - SCM13381

These guidelines are for Agencies procuring using the NSW Government Electric Vehicle Fleet Charging Infrastructure Prequalification Scheme - SCM13381. This document should be read in conjunction with the Scheme Conditions.

The following table provides a summary of the key features of the Scheme:

|  |  |
| --- | --- |
| Item | Description |
| Scope of the Scheme | The scheme covers the following;1. The supply of Electric Vehicle Supply Equipment (EVSE) Goods, meaning EVSE and other hardware used in connection with EVSE;
2. The carrying out of required EVSE Works meaning the performance of works and activities (including the supply of materials) necessary for the supply, manufacture, construction, installation and commissioning of EVSE Goods (including, if required, the upgrade of the site electrical backbone) and other works that may be carried out in conjunction with the supply, manufacture, construction, installation and commissioning of EVSE Goods
3. The Supply of EVSE Services meaning the services provided in relation to EVSE, including but not limited maintenance Services and Charging as a Service (“CAAS Services”).
 |
| Work Categories: | The scheme covers suppliers who are prequalified to Capability A – Electric Vehicle Supply Equipment (EVSE) Goods, Works and Services which covers the following; A1. EVSE GoodsSupply of EV chargers, including AC EV charger (7kW to 22kW), and/or DC EV charger (25kW to 150 kW), load management controller, and other hardware to charge electric vehicles to cater for fleet operation needs. The EVSE Goods must comply with the specifications as defined in EVSE Goods, Works and Services Specification Document.A2. EVSE WorksCarry out of civil and electrical installation works and materials to setup up EVSEs in a site, works including but not limited to, site inspection, installation physical design, site backbone electrical infrastructure upgrade (if required), cable conduit, wire routing, EVSEs installation, IT network integration with EVSEs. Carry out the commissioning services to thoroughly test, operate and calibrate the EVSEs to ensure all EV charging functions in accordance with relevant standards and manufacturer’s specifications. Ensure that EVSEs integrate with the Charging Management Platform (CMP) and support all data communication, reporting and operation requirements |
|  | Meet all electrical safety, power loading and structural maintenance requirements of site backbone electrical infrastructure. Perform installation checks and test services to ensure compliance with the specifications as defined in EVSE Goods, Works and Services Specification Document. The Works must be carried out in accordance with standards of workmanship and work methods which conform with all, relevant Australian Standards, codes of practice and the lawful requirements, including holding all required licenses and certifications.A3. Maintenance ServicesMaintenance of EVSEs and other works associated, including EVSE inspection, servicing, repairs, resolving data communication with CMP, fixing warranty issues, helpdesk support and tracking maintenance requests. **Optional:**A4. Charging-as-a-Service (CAAS)Supply of a subscription-based service model allowing a $/kWh fee to be paid per charge, or weekly/monthly/annual fee per EVSE/vehicle over a fixed term period, or a standard parking fee coupled with charger access. The subscription model includes turnkey EV charging stations and associated system, driver support and professional field maintenance. Applicants are encouraged to provide details and information about their subscription service model offerings. |
| Compliance with provisions of the Enforceable Procurement Provisions (EPP) | **Yes**Eligible buyers will also need to consider whether the planned procurement is a covered procurement and whether they need to comply with [PBD-2019-05 Enforceable procurement provisions](https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fbuy.nsw.gov.au%2Fpolicy-library%2Fprocurement-board-directions%2Fpbd-2019-05-enforceable-procurement-provisions&data=05%7C01%7CGordon.Ristevski%40treasury.nsw.gov.au%7Cb7bd1743a5d846009ec508dac2e00ce3%7C1ef97a68e8ab44eda16db579fe2d7cd8%7C0%7C0%7C638036564788718126%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=o3fSEzHpYl6O4SRP4pmlTjw%2FKfnpyJbLIhLZsvYArjI%3D&reserved=0) where the estimated value of your procurement will be more than:1. $9.584 million (excl. GST) for construction contracts
2. $680,000 (excl. GST) for other goods and services.

The Scheme Conditions have been prepared in a manner so that covered agencies who use the Scheme are able to comply with their obligations under the EPP Direction by using a prequalified supplier (i.e. an Approved Supplier) for the procurement of services in cases where the estimated value of the procurement is or exceeds the specified threshold. |
| Application deadline | **None**. The Scheme is always open for Applications |
| Duration of the Scheme | 3 Years from date of publication and release. |
| Minimum number of quotes to be sought from Suppliers | In buying from the scheme the following quoting thresholds apply,1. Where estimated contract Value is $50,000 (excl. GST) a single quotation is required.
2. Where estimated contract Value is over $50,000 (excl. GST) a minimum 3 quotation are required.
 |

# 2 Benefits of the Scheme

The key benefits for Agencies using this Scheme include:

* To have several Approved Suppliers that meet the requirements of the Department and Agencies to supply and carry out (or procure the supply and carrying out of) EVSE Works, EVSE Goods and EVSE Services.
* To have a simple process to add new Approved Suppliers.
* To easily accommodate emerging technologies and consequent change of offerings.
* To provide a simplified process to the Agencies to access suppliers that are prequalified to supply and carry out (or procure the supply and carrying out of) EVSE Works, EVSE Goods and EVSE Services.
* Ensure value for money by including maximum rates for EVSE Works, EVSE Goods and EVSE Services.
* Approved suppliers have agreed to the Standard form of Agreement terms and conditions.

# 3 Procurement planning

## 3.1 Link to NSW Government Procurement Framework

This Scheme is relevant to [NSW Procurement’s Plan-Source-Manage approach](https://buy.nsw.gov.au/buyer-guidance) to procurement. It assists Agencies in the planning phase to identify Suppliers who are suitability qualified to tender for NSW Government Electric Vehicle Fleet Charging Infrastructure Prequalification Scheme.

Please note:

* The source and manage phases of procurement are outside of the scope of the Scheme
* Agencies using this Scheme are encouraged to develop their own sourcing strategies in accordance with the NSW Procurement Policy Framework.

## 3.2 Estimating the value of the procurement

Agencies need to assess the estimated value of their procurement to determine what tendering rules and quoting thresholds they need to comply with. (Refer to section 6.2 Tendering Rules)

The estimated value of a procurement is an estimate of the maximum value (ex GST) of the proposed procurement contract made by the Agency, and is to include the value of the following:

* the goods or services to be procured,
* all forms of remuneration payable by the government Agency, including any premiums, fees, commissions, interest and other revenue streams that may be provided for in the proposed contract,
* any options, extensions, renewals or other mechanisms that may be executed over the life of the contract.

A procurement must not be divided into separate parts if a purpose of the division is to avoid a relevant procurement threshold.

# 4 Work Category

## 4.1 Capability A – Electric Vehicle Supply Equipment (EVSE) Goods, Works and Services

Capability A incorporates all works relating to A1, A2, A3 and A4 as defined below;

A1. EVSE Goods

Supply of EV chargers, including AC EV charger (7kW to 22kW), and/or DC EV charger (25kW to 150 kW), load management controller, and other hardware to charge electric vehicles to cater for fleet operation needs. The EVSE Goods must comply with the specifications as defined in EVSE Goods, Works and Services Specification Document.

A2. EVSE Works

Carry out of civil and electrical installation works and materials to setup up EVSEs in a site, works including but not limited to, site inspection, installation physical design, site backbone electrical infrastructure upgrade (if required), cable conduit, wire routing, EVSEs installation, IT network integration with EVSEs. Carry out the commissioning services to thoroughly test, operate and calibrate the EVSEs to ensure all EV charging functions in accordance with relevant standards and manufacturer’s specifications.

Ensure that EVSEs integrate with the Charging Management Platform (CMP) and support all data communication, reporting and operation requirements.

Meet all electrical safety, power loading and structural maintenance requirements of site backbone electrical infrastructure. Perform installation checks and test services to ensure compliance with the specifications as defined in EVSE Goods, Works and Services Specification Document. The Works must be carried out in accordance to standards of workmanship and work methods which conform with all, relevant Australian Standards, codes of practice and the lawful requirements, including holding all required licenses and certifications.

A3. Maintenance Services

Maintenance of EVSEs and other works associated, including EVSE inspection, servicing, repairs, resolving data communication with CMP, fixing warranty issues, helpdesk support and tracking maintenance requests.

A4. Charging-as-a-Service (CAAS) - OPTIONAL

Supply of a subscription-based service model allowing a $/kWh fee to be paid per charge, or weekly/monthly/annual fee per EVSE/vehicle over a fixed term period, or a standard parking fee coupled with charger access. The subscription model includes turnkey EV charging stations and associated system, driver support and professional field maintenance. Applicants are encouraged to provide details and information about their subscription service model offerings.

# 5 Using the Scheme

## 5.1 Suppliers who are included on the Scheme

NSW agencies, local councils and universities can view current Suppliers included on the Scheme by logging in to [Supplier Hub](https://suppliers.buy.nsw.gov.au/) as a buyer.

## 5.2 Conditions for Prequalification on the scheme

Agencies can have confidence that Approved Suppliers have been assessed by a scheme evaluation committee against the following criteria and method of assessments to become an approved supplier of the scheme.

Under the scheme applicants have provided their company Rate Card (maximum rates and prices) for Goods, Works and Services delivered under capability A. This ensures value for money by including maximum rates for EVSE Works, EVSE Goods and EVSE Services.

|  |  |
| --- | --- |
| Application Evaluation Criteria | Method of assessment  |
| Company & Capability details | * Whether the Applicant has provided a complete response to the information requested in the Company and Capability template.
* Whether the company has the capability to deliver Capability A – EVSE Goods, Works and Services, either directly through its own internal Capability or via the engagement of any associated entities, sub-contractors and suppliers for whom the applicant remains responsible for under any Project Agreement that is formed.
* Whether the company’s key personnel, hold relevant qualifications/licenses and experience relating to delivery of Capability A – EVSE Goods, Works and Services.
 |
| Compliance to specifications | * Whether the Applicant has confirmed “Yes” that they comply with the EVSE Specification.
 |
| Company experience | * Whether the Applicant has provided a complete response to the information requested in the Company Experience template.
* Whether the response to the information requested demonstrates that the company has relevant previous experience to deliver the Capability A – Goods, Works, Services.
 |
| Referee Report | * Whether the two (2) referee report reports requested are complete and address all the requested information.
* Whether the client referee reports are for projects completed over the last three (3) years.
* Whether the referee report is signed by the client referee for it be considered.
* Whether the referee reports highlight and support (at minimum) an acceptable level of performance across all key performance areas.
* Whether the reports are for works/services/projects completed by the company delivering services under capability A over the last three (3) years.
 |
| Rates card | * Whether the information in the company Rates card is complete and in requested format. Including whether the maximum rates have been provided exclusive of GST.
 |
| Insurances | * Whether the Applicant has confirmed “Yes” to in agreeing to providing evidence that it has, or is able to procure, all insurances which they are required to maintain and effect under the Scheme or which it may be required to maintain and effect under a Project Agreement.
 |
| Quality Assurance  | * Whether the Applicant demonstrates an appropriate level of Quality Assurance controls, by providing evidence of one (1) of the following:
1. accreditation from a recognised body;
2. example of site-specific quality inspection and test plan
3. Completed Certificate Compliance Electrical Work (CCEW) and a Commissioning test reports.
 |
| Environmental Management | * Whether the applicant demonstrates an appropriate level of Environmental Management controls by providing evidence of one (1) of the following:
1. site-specific Environmental Management Plan
2. Completed site specific checklist/procedure to address environmental management. or
3. Provided details of their approach, including any checklists or procedures they will have in place to control environmental management requirement.
 |
| Other Licences and Certifications | * Whether the applicant has confirmed “Yes” ensuring that all licenses and certifications required by NSW Fair Trading and NSW laws will be held by them or any nominated sub-contractors for whom they remain responsible under any Project Agreement.
 |
| Workplace Health and Safety (WHS) Statutory Obligations | * Whether the applicant demonstrates an appropriate level of Workplace Health and Safety (WHS) controls, by providing evidence of one (1) of the following:
1. Evidence of any WHS Management System certification
2. Example of a completed safe work method statement
* Whether the applicant has disclosed any prosecutions or fine(s) for a breach of any Australian WHS and/or environmental legislation during the past two (2) years.
 |
| Supplier Code of Conduct | * Whether the applicant has confirmed that they will comply with the NSW Government Supplier Code of Conduct
 |
| NSW Procurement Policy Framework | * Whether the applicant has confirmed that they will comply with the NSW Procurement Policy Framework
 |
| Scheme Conditions & Requirements | * Whether the applicant has confirmed that they agree to the scheme conditions, and the Standard Form Agreement
 |
| Applicant Declaration | * Whether the applicant authorised representative has disclosed that they are financially solvent, not subject to any legal proceedings or ICAC inquiry/ies.
 |

# 6 Inviting submissions from Suppliers

## 6.1 Market approaches guide

Refer to the [Market Approaches Guide](https://buy.nsw.gov.au/buyer-guidance/plan/approach-the-market) on buy.nsw for approaching the Supplier market.

## 6.2 Tendering rules

Agencies inviting tenders/submissions can approach a limited number of Suppliers on the Scheme as it may be inefficient for both the Agency and the Suppliers to invite all eligible Suppliers to participate in every procurement.

In buying from the scheme the following quoting thresholds apply,

* Where estimated contract Value is $50,000 (excl. GST) a single quotation is required.
* Where estimated contract Value is over $50,000 (excl. GST) a minimum 3 quotation are required.

The above quoting thresholds do not override any approved procurement governance requirements developed for an Agency’s business. Agencies should check the relevant policies for allowable variances from the quote rules.

## 6.3 eTendering

An Agency must use the eTendering Admin Domain, <https://www.tenders.nsw.gov.au/?event=admin.login>, NSW agencies to release a tender to the market.

## 6.4 Contractual agreements

For supplier engagements of up to $2,000,000 (excluding GST), the standard for of agreement forming part of this scheme apply. The onus is on the agency to assess to ensure that the Terms and conditions can adequately govern the engagement, having considered the level of associated risk.

If an Agency directly engages a 3rd party service provider for any works outside of the Standard Form Agreement with the Approved Supplier, then the Approved Supplier is not responsible for the works done by the 3rd party. In case of any issues with the works done by the 3rd party, the Agency buyer will need to resolve them directly with the 3rd party. The Eligible Buyer may use their agency’s own contracting framework for engaging 3rd parties and is outside of the scope of the Standard Form Agreement included in this scheme.

## 6.5 Trusts and trustees

When contracting with a trustee, the contracting agency must review the trust deed (and any amendments or variations). The trust deed must contain the power for the trustee to carry out the applicable business activity.

When contracting with a trustee, the contracting agency must review the financial capacity of the trust by asking for applicable financial statements prepared for the trust (or most recent tax return).

When contracting with a trustee, the trustee must be described as “XYZ Pty Ltd ACN 123 456 789 as trustee for the XYZ Trust  ABN 12 345 678 912”. Only stating “XYZ Trust” is insufficient, as the “Trust” is not a separate legal entity, rather it is a description of the relationship between the trustee and the trust’s beneficiaries. The ABN should be verified against the Australian Business Register <https://www.abr.business.gov.au/>.

# 7 Contractor Performance Management

For each Project, it is the responsibility of each relevant Agency to monitor and ensure compliance with the Scheme by the Agency and the Approved Supplier.

For each Project, the Agency and the Approved Supplier will be responsible for the co-ordination and management between the parties and the performance of the parties’ rights and obligations under the relevant Project Agreement.

An Agency may require an Approved Supplier which it has engaged under a Project Agreement to attend regular performance review meetings to review the performance of the Approved Supplier’s obligations under the Project Agreement, including but not limited to:

1. the performance of the Approved Supplier under the Project Agreement;
2. the occurrence of any defects in the goods or materials supplied, or works carried out, under the Project Agreement and the actions the Approved Supplier has undertaken or will undertake to resolve the defects; and
3. actions that can be taken to improve its performance.

If an Approved Supplier’s performance under a Project Agreement is unsatisfactory (including, but not limited to, where there are defects in the goods or materials supplied, or works carried out, under the Project Agreement), the Agency must document the unsatisfactory performance and provide the Department details of the unsatisfactory importance.

If an Approved Supplier disagrees with the decisions taken by an Agency under a Project Agreement, the Agency and the Supplier must attempt to resolve the disagreement in the first instance. Without limiting or otherwise affecting the rights and obligations of the Agency and the Supplier under the Project Agreement or otherwise at law, if the Agency and Supplier are unable to resolve the disagreement, the Supplier may request the Department to help resolve the disagreement by submitting a request with details of the disagreement to:

Scheme Manager
Scheme: SCM13381
NSW Treasury,
52 Martin Place
SYDNEY NSW 2000

**AND**

NSWGFleetElectrification@treasury.nsw.gov.au (sent with full email signature).

If the Scheme Manager receives a request the Scheme Manager may:

for any reason, decline to assist with resolving the disagreement;

arrange a meeting between the Approved Supplier and the Agency to discuss the matter;

assist with resolving the disagreement in consultation with the Department; and

recommend a solution to the Agency and the Approved Supplier.

The Department will manage the performance of Approved Suppliers by:

1. monitoring performance on tendering, financial capability, compliance with the NSW Procurement Policy Framework, performance under Project Agreements and Project outputs and outcomes, including but not limited to Contractor Performance Reports (CPR’s) submit by an agency in respect to a suppliers performance;
2. applying sanctions where performance is determined to be unsatisfactory, such as temporary suspension from the Scheme Procurement List;
3. removing an Approved Supplier from the Scheme Procurement List, following due consideration of the circumstances, where performance is determined to be unsatisfactory; and
4. providing the opportunity for an Approved Supplier to request a review of the decision(s) referred in paragraphs (b) and (c) above.

# 8 Review and Development of the Scheme

NSW Procurement provides a small, dedicated team to administer the Scheme and assist agencies and Suppliers with enquiries and feedback for continuous improvement. Contact NSWGFleetElectrification@treasury.nsw.gov.au

# 9 NSW Procurement Policy Framework

This section provides context about the applicable legislative and policy framework within which the Scheme operates.

Suppliers and Agencies must at all times comply with all relevant laws and policies, including but not limited to those listed in this section. A Supplier’s breach of any relevant policies and/or laws may result in suspension or removal from the Scheme.

The [NSW Procurement Policy Framework](https://buy.nsw.gov.au/policy-library/policies/procurement-policy-framework) provides a consolidated view of government procurement objectives and the Procurement Board’s requirements as they apply to each step of the procurement process.

## 9.1 Procurement Board Directions

From time to time the NSW Procurement Board issues Directions under the [Public Works and Procurement Act 1912](https://www.legislation.nsw.gov.au/#/view/act/1912/45). These Directions determine the rules and guidelines around public sector procurement within the NSW Government. A library of all current Directions in force can be found on the [buy.NSW website](https://buy.nsw.gov.au/policy-library/policy-library-search?form=wrapper&f.Policy+Type%7CPolicyType=board+directions&query=&profile=_default&show=true&action=557003&clive=procurement-nsw-library-web&collection=procurement-nsw-meta&sort=).

## 9.2 Enforceable Procurement Provisions

The NSW Government issued a Direction in response to its obligations under international procurement agreements. The [Procurement (Enforceable Procurement Provisions) Direction 2019](https://buy.nsw.gov.au/policy-library/policies/enforceable-procurement-provisions) under the Public Works and Procurement Act 1912 includes provisions about how Government must engage with its Supplier market in a way that is fair, open and transparent to all Suppliers, including international Suppliers.

## 9.3 NSW Government Supplier Code of Conduct

The NSW Government strives to conduct sustainable and inclusive government procurement.

Our Suppliers are our partners in delivering the best social and commercial outcomes for the state of NSW and its citizens.

The NSW Government requires all Suppliers to comply with relevant standards of behaviour and must report findings of dishonest, unfair, unconscionable, corrupt or illegal conduct to the NSW Procurement Board. These requirements are essential to business confidence in the NSW Government’s procurement regime as well as public trust more broadly in the Government’s decision-making processes.

A minimum set of expectations and behaviours for doing business with NSW Government has been articulated in the [Supplier Code of Conduct](https://buy.nsw.gov.au/policy-library/policies/supplier-code-of-conduct). All Applicants and Suppliers to this Scheme must comply with it and must have a satisfactory record of compliance with the Code. This also includes ensuring that Suppliers and their subcontractors, consultants, and contractors comply with their legal obligations regarding their employees.

Applicants and Suppliers must further comply with the [NSW Industrial Relations Guidelines: Building and Construction](https://www.industrialrelations.nsw.gov.au/industries/key-industries-in-nsw/building-and-construction/).

## 9.4 Small and Medium Enterprise (SME) and Regional Procurement

The NSW Government is seeking to strengthen its [Small and Medium Enterprise and Regional Procurement Policy](https://www.procurepoint.nsw.gov.au/policy-and-reform/goods-and-services-procurement-policies/nsw-government-small-and-medium-enterprise). This will provide greater opportunities for SMEs and local businesses in regional NSW.

The Scheme Application process will identify small and medium businesses with the appropriate capability and capacity to participate in projects. Applicants are expected to select only those regions that their current capacity and capability can support.

For further information refer to [the Procurement Board Direction PBD2019-03](https://arp.nsw.gov.au/pbd-2019-03-construction-procurement-opportunities-SME) on Buy.NSW

## 9.5 Aboriginal Procurement Policy (APP)

The APP recognises that industry has a key role to play in broadening opportunities for Aboriginal people and that the NSW Government can use its relationship with business to deliver positive social outcomes.

The APP has been developed to create opportunities for Aboriginal owned businesses and encourage Aboriginal employment and training through the supply chain of NSW Government contracts. The Scheme Application process will ask applicants if they are an Aboriginal business, as defined by the [APP.](https://buy.nsw.gov.au/policy-library/policies/aboriginal-participation-construction)

## 9.6 Modern Slavery Legislation

The [Modern Slavery Act 2018](https://www.legislation.nsw.gov.au/view/html/inforce/current/act-2018-030) (NSW) came into effect on 01 January 2022. The Act recognises that modern slavery is prevalent around the world and in NSW and sets out steps to ensure NSW is not contributing to these crimes.

Applicants and Suppliers are expected to comply with the [Commonwealth Modern Slavery Act 2018](https://www.legislation.gov.au/Details/C2018A00153) and the [Modern Slavery Act 2018](https://www.legislation.nsw.gov.au/view/html/inforce/current/act-2018-030) (NSW). Refer to the following link for more information about Modern Slavery and Procurement:

<https://buy.nsw.gov.au/resources/modern-slavery-and-procurement>

## 9.7 Disability organisations

An Australian Disability Enterprise (ADE) is a not-for-profit organisation that employs people with disabilities. ADEs have the same working conditions as other employers and they empower the disabled to contribute to their communities.

NSW Government agencies [are encouraged to buy from ADE organisations](https://buy.nsw.gov.au/buyer-guidance/source/select-suppliers/australian-disability-enterprises) where possible

# Attachment A Terms and definitions

|  |  |
| --- | --- |
| Term | Definition |
| **Agency** | Agency includes NSW Government departments, statutory authorities, statutory corporations and government business enterprises. |
| **Annual Procurement Plan** | Annual Procurement Plan means a document published on NSW eTendering through which a government Agency provides a short summary of its procurement intentions for the coming year and information regarding significant procurements it plans to undertake. |
| **Applicant** | Applicant means a person who has applied to be included in the Scheme Procurement List. |
| **Application** | Application means online application made via the “Supplier Application Form” on the NSW Procurement website. |
| **Approved Supplier** | Approved Supplier means a person who has been included in the Scheme Procurement List. |
| **Assessment Committee** | Assessment Committee means the entity appointed by the Department to evaluate and determine the eligibility of suppliers to be included in the Scheme Procurement List. |
| **CAAS Services** | CAAS Services means providing “charging-as-a-service” whereby an Agency pays an Approved Supplier on a periodic basis for that Agency to use EVSE owned and operated by the Approved Supplier. |
| **Capabilities** | Capabilities means the capability of a supplier:to supply (either directly, or via the engagement of subcontractors for whom that supplier remains responsible) EVSE Goods; to carry out (either directly, or via the engagement of subcontractors for whom that supplier remains responsible) EVSE Works; to supply (either directly, or via the engagement of subcontractors for whom that supplier remains responsible) Maintenance Services; and/orwhere relevant, as contemplated by section 8.1, to supply (either directly, or via the engagement of subcontractors for whom that supplier remains responsible) CAAS Services,that comply with the EVSE Specification and in accordance with the Scheme. |
| **Confidential Information** | Confidential Information means any information and all other knowledge at any time disclosed (whether in writing or orally) by an Agency to an Approved Supplier under, or in connection with, the Scheme or a Project Agreement, which:is by its nature confidential;is designated, or marked, or stipulated as confidential;the Approved Supplier knows or reasonably should know is confidential, including but not limited to:the Project Agreement;any material which belongs to the Agency; andany material which relates to the affairs of a third party,but does not include information which:must be disclosed to perform an Approved Supplier’s obligations under the Scheme or a Project Agreement;is or becomes public knowledge other than by breach of the Scheme or a Project Agreement;is in the lawful possession of the Approved Supplier without restriction in relation to disclosure before the date of receipt of the information from the Agency or a third party; oris required to be disclosed pursuant to law or any legal process. |
| **Department** | Department means the NSW Department of Treasury, unless otherwise specified. |
| **Electric Vehicle Supply Equipment (EVSE)** | Electric Vehicle Supply Equipment (EVSE) means charging hardware used to supply electricity to an electric vehicle. |
| **EVSE Goods** | EVSE Goods means EVSE and other hardware used in connection with EVSE. |
| **EVSE Services** | EVSE Services means services provided in relation to EVSE, including but not limited to:Maintenance Services; andCAAS Services. |
| **EVSE Specification** | EVSE Specification means the specifications contained or referred to in the scheme conditions - Appendix A. |
| **EVSE Works** | EVSE Works means the performance of works and activities (including the supply of materials) necessary for the supply, manufacture, construction, installation and commissioning of EVSE Goods (including, if required, the upgrade of the site electrical backbone) and other works that may be carried out in conjunction with the supply, manufacture, construction, installation and commissioning of EVSE Goods. |
| **Enforceable Procurement Provisions (EPP Direction)** | Enforceable Procurement Provisions (EPP Direction) means the Procurement (Enforceable Procurement Provisions) Direction 2019 under the Public Works and Procurement Act 1912 (NSW), also referred to as PBD 2019-05. [PBD 2019-05 Enforceable procurement provisions | buy.nsw](https://buy.nsw.gov.au/policy-library/procurement-board-directions/pbd-2019-05-enforceable-procurement-provisions). |
| **Maintenance Services** | Maintenance Services means the maintenance of EVSE and other works associated with the maintenance of EVSE. |
| **NSW** | NSW means the State of New South Wales. |
| **NSW Procurement Policy Framework** | NSW Procurement Policy Framework means the NSW Procurement Policy Framework that applies to the procurement of goods and services of any kind, including construction and which can be accessed at: <https://buy.nsw.gov.au/policy-library/policies/procurement-policy-framework>. |
| **NSW Supplier Code of Conduct** | NSW Supplier Code of Conduct means the NSW Supplier Code of Conduct which applies to procurements by the NSW Government and can be accessed at: <https://buy.nsw.gov.au/policy-library/policies/supplier-code-of-conduct>. |
| **Procurement List** | Procurement List has the meaning given to that term in the EPP Direction. |
| **Project** | Project means the procurement of goods and services in connection with the Scheme. |
| **Project Agreement** | Project Agreement means an agreement between an Agency and an Approved Supplier in connection with the Scheme. |
| **Rates Card** | Rates Card means the rates and prices referred to in section 8.5 in the scheme conditions |
| **Scheme** | Scheme means the prequalification scheme: Electric Vehicle Charging Infrastructure administered by the Department. |
| **Scheme Conditions** | Scheme Conditions means the Scheme conditions contained in this document. |
| **Scheme Manager** | Scheme Manager means the person(s) appointed by the Department from time to time to manage the Scheme. |
| **Scheme Procurement List** | Scheme Procurement List means the list of the suppliers that have been accepted as Approved Suppliers in accordance the Scheme to be used by Agencies under the Scheme. |
| **Selected Subcontract Work** | Selected Subcontract Work has the meaning given to the term in the Standard Form Agreement |
| **Selected Subcontractor** | Selected Subcontractor has the meaning given to the term in the Standard Form Agreement. |
| **Standard Form Agreement** | Standard Form Agreement means the conditions contained in Schedule 2 of the scheme conditions. |