

SUPPLIER PROCUREMENT LIST

Consultants in Construction Procurement List – Applicant Guidelines

Construction related consulting services valued above $9M

August 2023

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More information

Contact the NSW Procurement Service Centre

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# What’s changed?

**From 1 August 2023 a new standard form IA contract framework is recommended for use by Agencies when procuring infrastructure advisory services including in this Scheme.**

The IA contract framework includes contract templates and tools for a standardised approach to risk allocation when buying infrastructure advisory services.

Please refer to the [infrastructure advisory services category page](https://buy.nsw.gov.au/resources/infrastructure-advisory-services) on [buy.nsw](https://buy.nsw.gov.au/) for more details and copies of the contract templates and tools.

**From 1 November 2022 the newly established Infrastructure Advisory Standard Commercial Framework is recommended for use by Agencies as guidance for all engagement types in this Procurement List.**

The Infrastructure Advisory Standard Commercial Framework (IA SCF) includes the following recommended commercial elements:

* Standardised resource and service types
* Capped daily resource rates
* Discount structure
* Expenses policy.

Please refer to the [Infrastructure Advisory Services category page](https://buy.nsw.gov.au/resources/infrastructure-advisory-services)on [buy.nsw](https://buy.nsw.gov.au) for more details.

**From 29 November 2020 NSW Government Agencies can no longer use Scheme SCM1191 for procurements above $9M ex GST as a result of the introduction of the Enforceable Procurement provisions by the NSW Procurement Board.**

This Procurement List has been established for procurements above $9M ex GST. Agencies are encouraged to use this Procurement List for procuring construction related consulting services above $9M.

Transition of existing Suppliers

**If your organisation wants to
be eligible to bid for construction related consulting services above $9M**

**Your organisation will need to submit a new Application to be included on the Procurement List for Consultants in Construction.** If you have a current prequalification under SCM1191 for work below $9M that prequalification will remain in place.

**If your organisation is prequalified under SCM1191 and wants to only bid for construction related consulting services below $9M**

**No action is required, and you do not need to submit a new Application.** Your organisation will continue to be prequalified under SCM1191 and Agencies can continue to include your organisation in procurements below $9M (if you are a Certified Consultant) and $250K (if you are a Registered Consultant).

Where to start

## Buy.NSW

Procurement List Applicant Guidelines and associated documents for Applicants and Agencies are available at [https://buy.nsw.gov.au/schemes/consultants-in-construction-above-$9m-procurement-list](https://buy.nsw.gov.au/schemes/consultants-in-construction-above-%249m-procurement-list).

## Terms and definitions

Refer to Terms and definitions used in this document.

## Registering and applying

Applicants must be registered on the Suppliers Hub before commencing the application process <https://suppliers.buy.nsw.gov.au/>

Refer to section 3.1 in this document for further information on registering for the Supplier Hub.

The online application form for the Consultants in Construction Procurement List is available through the Supplier Hub <https://suppliers.buy.nsw.gov.au/login>

Each step of the application process is explained in detail at section 3.

## Enquiries

For Procurement List enquiries please contact: consultant.prequal@pwa.nsw.gov.au or contact the NSW Procurement Service Centre (details inside front cover).

For enquiries specifically about the Infrastructure Advisory Standard Commercial Framework (IA SCF) please contact the Infrastructure Advisory Services category management team: infra-advisory@treasury.nsw.gov.au.

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# Introduction

## What is the Procurement List for Consultants in Construction above $9M?

This Procurement List (PL) provides a mechanism for the NSW Government to procure Consultants in Construction above $9 million excluding GST. The Services included are:

* Construction related Project Management services
* Architectural Services

Further details on the Work Categories are provided at Section 2 of the PL Conditions.

This PL has been established in accordance with Part 6 of the Enforceable Procurement Provisions (EPP) and may be used for a procurement to which the EPP applies. Section 8 of the PL Conditions 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 (refer to section 6.7 of PL Conditions).

The Application process must be completed via the <https://suppliers.buy.nsw.gov.au/> website (refer section 3 of this document). If the NSW Government is satisfied that the Applicant meets the conditions for participation outlined in section 3.1 of the PL Conditions, 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 a NSW Government Agency to make submissions relating to procurements for which the list was established.

Government agencies may also seek to conduct negotiations relating to any procurements from Suppliers on the list.

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 Consultants in Construction. 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 Consultants in Construction |
| 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 |

## What is the purpose of this document?

The purpose of this document is to guide the Applicant through the online application process. The process is in three parts:

1. Eligibility Checklist for inclusion on the Procurement List (refer section 2)
2. New user registration on the Suppliers Hub (refer section 3.1)
3. Application process via <https://suppliers.buy.nsw.gov.au/> (refer section 3.2)

These linked systems are operated and managed by NSW Procurement and Department of Customer Service.

* If you are aware of your Procurement List eligibility and are already registered in Suppliers Hub/eTendering, you can go directly to guidance in section 3.3 to 3.8
* If you’re a new user, continue to the next section.

# How do I know if I am eligible to apply?

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](https://www.kidsguardian.nsw.gov.au/child-safe-organisations/working-with-children-check) on nominated personnel.

|  |  |  |
| --- | --- | --- |
| Conditions for Participation (reference to Procurement List Conditions) | Eligibility criteria | Compliant (Yes or No) |
| Legal Capacity (3.1.1) | *The Applicant has the legal capacity to enter into contracts with the NSW Government.* |
| * Applicant has a current Australian Business Number (ABN) / ACN
* If applicable, additional evidence of company registration outside of Australia

*Applications may only be lodged by legal entities with an ACN. 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.* * ***Trusts and trustees*** *and* ***natural persons*** *are ineligible for inclusion on the PL*
* ***Companies*** *that possess relevant experience in specified fields may be eligible to apply for the PL for particular Categories.*
* *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*
* *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 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.*
* ***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.*
* ***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.*
 | Yes / No |
| * Applicants cannot be a Trust or a Trustee
 | Yes / No |
| * Applicants are not applying for the same category of work as any already included Supplier who is a related, associated or subsidiary business entity of the Applicant
 | Yes / No |
| * Applicants are not a joint venture applying for the same category of work as any of the parties to the joint venture
 | Yes / No |
| * Agreement to the NSW Government Supplier Code of Conduct (refer section 8.4 of PL Conditions)
 | Yes / No |
| * 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.
 | Yes / No |
| Financial Capacity (3.1.2) | *The Applicant has the financial capacity to enter into contracts with the NSW Government:*  |
| * Financial viability of the entity that is the Applicant is proven through financial statements for the previous two financial years:
* 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
* 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
* 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
* 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
* The Applicant should be able to demonstrate all of the followings:
	+ - Current Ratio >= 1:1
		- Net Tangible Assets -must be >= to 2% of current years revenue
		- Working Capital - must be >= to 2% of current years revenue
		- Debt Ratio – must be <= 1
* Once the Application is received the Government’s external assessor will contact the Applicant and provide it with prescribed forms to be completed. The external assessor may contact the Applicant to discuss the financial information provided by the Applicant and seek additional information or clarification, if required
 | Yes / No |
| * The Directors of the Applicant have never been insolvent or bankrupt
 | Yes / No |
| * Applicants must have appropriate financial assets, be financially solvent and must not be under any form of external administration
 | Yes / No |
| Commercial Ability (3.1.3.1) | *The Applicant has the commercial ability to enter into contracts with the NSW Government:*  |
| * Professional Indemnity Insurance: Applicants can demonstrate that they are currently insured for the minimum amount of $10M
 | Yes / No |
| * Public Liability Insurance: Applicants can demonstrate that they are currently insured for Public Liability. The Public Liability Insurance is to be in the joint names of the Applicant and the Principal, and for an amount not less than $20M
 | Yes / No |
| * Workers’ Compensation: Applicants can demonstrate appropriate cover as required by law
 | Yes / No |
| * The Applicant can demonstrate that adequate Quality Management Systems (QMS) systems are in place, including through accreditation/certifications such as:
	+ Certification to ISO 9001 through an organization listed by JAZ ANZ, or
	+ Any equivalent accreditation/certification and the Applicant’s ability to demonstrate that these accreditation/certifications are indeed equivalent to the above
 | Yes / No |
| *Some Work Categories require one or several of the following commercial abilities:* |
| * The Applicant can demonstrate that adequate Work Health and Safety (WHS) systems are in place, including through accreditation/certifications such as:
	+ WHS accreditation to ISO 45001 (or AS4801 until 13th July 2023); or
	+ Staff having relevant qualifications in managing safety with a Certificate 4 (C4) in WHS or above such as a diploma; or
* Two written examples of second party audit reports where applicant entity has satisfactorily overseen implementation of WHS system on a construction project.
 | Yes / No |
| * The Applicant’s Key Personnel can demonstrate formal qualifications relating to project management:
* A university degree in project management
* A higher education qualification with a substantial project management component
* BSB51407 Diploma of Project Management or equivalent qualification
* Certified Practicing Project Practitioner (CPPP) by Australian Institute of Project Management (AIPM)
* PRINCE2 practitioner
* PMP (certified project management professional) by Project Management Institute, Inc. USA
* Any equivalent qualifications and the Applicant’s ability to demonstrate that these qualifications are indeed equivalent to the above.
 | Yes / No |
| Technical Ability (3.1.3.2) |  *(****Refer to 3.1 of the PL Conditions*** *for all technical abilities required within each Work Category):* |
| * The Applicant can demonstrate at least two years’ of relevant experience delivering contracts with the value of the Applicant’s fees above $9M within this category, wherever they have been delivered
 | Yes / No |
| * The Applicant can provide two client referees and performance reports for fully completed contracts with the value of the Applicant’s fees above $9M delivered during the last three years for each nominated Work Category
 | Yes / No |
| * The Applicant can demonstrate five (5) years of experience within the past eight (8) years of Key Personnel in categories nominated, wherever it has occurred
 | Yes / No |
| * Evidence of applicable licences, registrations and qualifications (e.g. registration or intention to register Key Personnel as Nominated Architects)
 | Yes / No |
| Additional information (3.1.5) | *The following additional information will be asked of Applicants for informational purposes only and do not form part of the conditions of participation* |
| * The Applicant can provide details of an authorised representative who can submit the Application for and on behalf of the Applicant
 | Yes / No |
| * The Applicant can provide information on the organisation’s corporate structure, years in operation, number of FTEs and contact details
 | Yes / No |
| * The Applicant can provide details on the regions within Australia (if applicable) and overseas that it has serviced
 | Yes / No |
| * The Applicant can demonstrate its commitment to the Skills and Training Policy
 | Yes / No |
| * The Applicant can demonstrate its compliance with the Modern Slavery Act.
 | Yes / No |

# How do I lodge an Application?

Please read the Procurement List Conditions document
before commencing your Application.

## Register on the Suppliers Hub

Before applying for inclusion on the Procurement List, an Applicant must first register as a new user on <https://suppliers.buy.nsw.gov.au/>. Existing users can log in from this page.

Information provided as part of new user registration will be saved to your entity’s profile. The registered user in this profile will be the default email contact for Applications lodged.

For help relating to registration on the Suppliers Hub, refer to: <https://suppliers.buy.nsw.gov.au/help?preserveScrollPosition=true&targetSection=supplier>

### 3.1.1 ABN

The Applicant must be a registered business within Australia and must nominate their Australian Registered Business Number (ABN) in their application. This applies to both domestic and international (overseas-based) Applicants.

[Australian Business Number (ABN)](https://www.abr.gov.au/business-super-funds-charities/applying-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.

Please ensure that the business name and ABN of the entity applying matches the records maintained by the Australian Business Register <http://abr.business.gov.au/>

* Trusts are not eligible to apply, We will be able to determine what type of entity your business is by the ABN you provide.

### 3.1.2 Small and medium enterprises

The NSW Government wants to make it easier for small, medium and regional enterprises to do business with government.

Indicate the number of full time equivalent (FTE) employees that your business declared on its last tax return.

* 1 – 19 (small business)
* 20 – 100 (medium business)
* 101 – 200 (medium business)
* Over 200 (large business).

You may select only one answer. For more information on why we ask this question, refer to [NSW Government Small and Medium Enterprise and Regional Procurement Policy.](https://buy.nsw.gov.au/policy-library/policies/sme-and-regional-procurement-policy)

## Lodge an online application

Once you have registered, log into the Suppliers Hub and start your Application using the following link:

* <https://suppliers.buy.nsw.gov.au/>

The following will provide step by step guidance through the Application process. Please note all responses in the Application must be provided in English.

## Step 1: Entity detail

Please ensure that the ABN of the entity applying matches the records maintained by the Australian Business Register. For further information please refer to <http://abr.business.gov.au/>

To get started, you can copy details from your personal profile or a previous lodgement by selecting the ‘copy details’ link.

### 3.3.1 Email address for notifications

This field will be pre-populated with the email address of the registered user.

### 3.3.2 ABN

Please enter your valid ABN (Australian Business Number) without spaces.

Refer to 3.1.1 ABN in this document for further information.

### 3.3.3 Full-time employees

**How many full-time equivalent employees are employed in your organisation?**

Please select one of the options. This can be based on:

* Business activity statements (BAS) or tax return for Australian companies
* Evidence that demonstrates FTEs for international companies.

This will help us to determine if you are a small or medium entity (SME).

Refer to 3.1.2 Small and medium enterprises in this document for further information.

##  Step 2: Office Detail

### 3.4.1 Details from ABN

You will notice that your entity name, entity type, ABN, ACN (if applicable), business name, State/Territory and postcode of your registered office will be automatically extracted from the Australian Business Register

If there is more than one business name associated with your ABN, select the correct entity from the dropdown list. Please enter the State/Territory and Postcode of the selected entity.

### 3.4.2 Office details

Enter the primary office location of your business.

### 3.4.3 Contact details

The contact person may be different to the registered user who is submitting the application.

* All emails will be sent to the registered user.
* All other forms of communication will be addressed to the contact person.

Ensure the email address of the registered user is actively monitored as this will be the email used by government buyers to contact you. Please ensure that the details of the registered user AND/OR the contact person are amended if they are on leave, or no longer working in the business.

For the contact person, please enter:

* preferred salutation; e.g. Mr, Mrs, Miss, Ms, Sir, Madam, Dr etc.
* first name, last name and their position in the business
* postal address, including town, city and country
* phone number, mobile number and web address.

### 3.4.4 Service area

**NSW Regions**

This question asks you to nominate the area/s in which your company provides its services. The regions available within NSW are:

|  |  |
| --- | --- |
| Northern Region* Far North Coast
* Mid North Coast
* New England

Hunter Region* Central Coast
* Hunter

Metro North Region* Cumberland/Prospect
* Nepean
* Northern Sydney
 | Metro South* Inner West
* South East Sydney
* South west Sydney

Western Region* Central West
* Orana/Far West
* Riverina Murray

Southern Region* Illawarra
* Southern Highlands.
 |
|  |  |

**States and Territories**

As above, you may select states and territories in which you do or do not currently have existing capacity and capability to operate in. If selected and you do not currently provide services in, you are indicating that you would be willing to provide services in these locations if appointed onto the Procurement List.

## Step 3: Prequalification types

Applicants can apply for inclusion onto the Procurement List in one tier:

|  |
| --- |
| Consultants in Construction |
| * Consultants in Construction for engagements valued above $9 million (ex GST)
 |

On the online application form, select the option that says *Inclusion on the Procurement List* and click Continue.

For engagements valued below $9 million, you can apply for inclusion to the Prequalification Scheme for Consultants in Construction on Supplier Hub / eTendering

* <https://suppliers.buy.nsw.gov.au/>

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## Step 4: Questionnaire

To complete the following questionnaire:

* Follow the Instructions column in the tables below
* Follow the guidance in the templates provided on the online application form
* Refer to Procurement List Conditions for more detail, if required.

**Note: \* means a response is required.**

### 3.6.1 Applicant Details

|  |  |  |  |
| --- | --- | --- | --- |
|  | Applicant Details | Instructions | References |
| **1** | **Authorised Representative \*** | The person completing the application is to provide their full name, position and contact details as the duly authorised representative completing the application for and on behalf of the Applicant. |  |
| **2** | **Applicant’s Acknowledgement \*** | Tick the checkboxes to confirm agreement to all associated terms, conditions, requirements and obligations by the Applicant should inclusion onto the PL be successful. Note: by checking these boxes, the registered user completing the online application form confirms that they are authorised to submit the application for and on behalf of the Applicant. The Applicant’s Acknowledgement is a Condition of Participation. | * 3.1 in PL Conditions
 |
| **3** | **What type of organisation is your business? \*** | Please select one of the options that best describes the Applicant’s current corporate structure.  |  |
|  | **Corporate Structure** | Use the *Corporate structure* template to provide further details of the Applicant’s corporate structure. Please ensure you declare all subsidiary, parent and related entities to your organisation, as well as identifying the Directors of each entity. Further details to be provided on each entity include the ABN or ACN (if applicable). This can be conveyed in writing or in a diagram in the provided template.**Note: for international Applicants, all entity relations to the Applicant’s domestic ABN must be shown.** Upload the completed template in Word or PDF. | Corporate Structure template |
| **4** | **Is the organisation an Australian Disability Enterprise? \*** | Please select Yes or No. NSW Government agencies are encouraged to buy from ADE organisations where possible. |  |
|  | **In what countries does your organisation provide its services (relevant to this PL)? \*** | You should indicate your primary office location/s in this section. Please enter any additional countries in which your organisation operates / provides its services in the categories that are being applied for in the Procurement List. |  |
| **5** | **Years in operation \*** | Please enter a number in years of the time the organisation has been in operation (i.e., from the ACN Registration Date and as shown on the ASIC records).  |  |
| **6** | **Describe the organisation’s approach to the NSW Government’s Skills and Training Policy. \*** | Provide a brief description in the text box of how your organisation contributes to the NSW Government’s commitment to the construction workforce. | * 8.8 in PL Conditions

[Infrastructure Skills Legacy Program (ISLP)](https://www.training.nsw.gov.au/programs_services/funded_other/islp/index.html) |
| **7** | **Describe how the organisation is compliant with the Commonwealth Modern Slavery Act. \*** | Provide a brief description in the text box of how your organisation is compliant with the Commonwealth Modern Slavery Act. | * 8.9 in PL Conditions

[Modern Slavery Act 2018](https://www.legislation.nsw.gov.au/view/html/inforce/current/act-2018-030) (NSW) |
| **8** | **Provide any other applicable licences or certifications the organisation has.**  | This is an optional question that provides the opportunity strengthen their application.  |  |

### 3.6.2 Legal Capacity

|  |  |  |  |
| --- | --- | --- | --- |
|  | Legal Capacity | Instructions | References |
| **1** | **Supplier Code of Conduct \*** | Please tick this box to confirm you’ve acknowledged and agree to the [NSW Supplier Code of Conduct](https://buy.nsw.gov.au/policy-library/policies/supplier-code-of-conduct). This is a standard of behaviour that suppliers must comply with when working for the NSW Government. Additionally, compliance with the [NSW Industrial Relations Guidelines: Building and Construction](https://www.industrialrelations.nsw.gov.au/industries/key-industries-in-nsw/building-and-construction/) is required. Note: this is a Condition of Participation.  | * 3.1 in PL Conditions
 |
| **2** | **Fines \*** | Use the *Fines* template to identify all fines, proceedings, prosecutions and convictions recorded against the organisation or Key Personnel in the two years before the date of application. This should include any ICAC proceedings, WHS and Environmental matters and other investigations.Upload the completed template in Word or PDF. | * Fines template
 |

### 3.6.3 Financial Capacity

|  |  |  |  |
| --- | --- | --- | --- |
|  | Financial Capacity | Instructions | References |
|  | **Financial details and Financial Assessment \*** | * To enable assessment Applicants will need to supply their previous two (2) years audited financial statements and any other related information to the external assessor when requested. These financial statements must be audited where possible, or have statutory accounts provided by an external accountant, and must be prepared following internationally recognised Accounting Standards such as IFRS, US-GAAP, or AASB.
* The Applicant should be able to demonstrate all of the followings:
	+ Current Ratio >= 1:1
	+ Net Tangible Assets -must be >= to 2% of current years revenue
	+ Working Capital - must be >= to 2% of current years revenue
	+ Debt Ratio – must be <= 1
* A declaration that the Directors of the Applicant have never been insolvent or bankrupt.
* Once the Application is received the Government’s external assessor will contact the Applicant and provide it with prescribed forms to be completed. The external assessor may contact the Applicant to discuss the financial information provided by the Applicant and seek additional information or clarification, if required
 |  |
| **1** | **Declaration \*** | Tick the checkbox. Applicants must declare that Directors of the organisation have never been insolvent or bankrupt in any organisation in any country and are not currently subject to insolvency proceedings.Note: this is a Condition of Participation as per 3.1 in the PL Conditions.  | * 3.1.2 in PL Conditions
 |
|  |  |  |  |

### 3.6.4 Commercial Ability

|  |  |  |  |
| --- | --- | --- | --- |
|  | Commercial Ability | Instructions | References |
| **1** | **Public Liability Insurance \*** | Scan and upload a copy of your current certificate of currency for Public Liability insurance, and enter the expiry date for the insurance during application. This must be a minimum amount of $ 20M in order to be eligible for prequalification. Upload as one file in PDF or zip file.Select the calendar icon to provide the date of the expiry of the insurance. |  |
| **2** | **Professional Indemnity Insurance \*** | Scan and upload a copy of your current certificate of currency for Professional Indemnity insurance, and enter the expiry date for the insurance during application. This must be a minimum amount of $10M in order to be eligible for prequalification. Upload as one file in PDF or zip file.Select the calendar icon to provide the date of the expiry of the insurance. |  |
| **3** | **Quality Management System (QMS) \*** | To demonstrate that adequate QMS systems are in place, provide evidence of accreditation/certifications such as:* Certification to ISO 9001 through an organisation listed by JAZ ANZ, or
* Any equivalent accreditation/certification and the Applicant’s ability to demonstrate that these accreditation/certifications are indeed equivalent to the above.

Combine into one file (if applicable) and upload as PDF or zip file.Select the calendar icon to provide the date of the expiry of the accreditation/certification.  |  |
| ***Note: The following (4 – 6) are only required if you are applying for Construction related Project Management Services*** |
| **4** | **Work Health and Safety (WHS) Management System** | To demonstrate that adequate WHS systems are in place, provide evidence of accreditation/certifications such as:* Certification to ISO 45001, or
* Certification to AS/NZS 4801, or
* Current accreditation with the Office of the Federal Safety Commissioner, or
* Any equivalent accreditation/certification and the Applicant’s ability to demonstrate that these accreditation/certifications are indeed equivalent to the above.

Combine into one file (if applicable) and upload as, PDF or zip file.Select the calendar icon to provide the date of the expiry of the accreditation/certification. |  |
| **5** | **Environmental Management System (EMS)**  | To demonstrate that adequate EMS systems are in place, provide accreditation/certifications such as:* Certification to ISO 14001, or
* Any equivalent accreditation/certification and the Applicant’s ability to demonstrate that these accreditation/certifications are indeed equivalent to the above.

Combine into one file (if applicable) and upload as PDF or zip file.Select the calendar icon to provide the date of the expiry of the accreditation/certification. |  |
| **6**  | **Project Management System (PMS)**  | To demonstrate that key personnel has qualifications relating to project management, provide evidence such as such as:* A university degree in project management
* A higher education qualification with a substantial project management component
* BSB51407 Diploma of Project Management or equivalent qualification
* Certified Practicing Project Practitioner (CPPP) by Australian Institute of Project Management (AIPM)
* PMP (certified project management professional) by Project Management Institute, Inc. USA
* PRINCE2 Practitioner
* Any equivalent qualifications and the Applicant’s ability to demonstrate that these qualifications are indeed equivalent to the above.

Combine into one file (if applicable) and upload as PDF or zip file. |  |

### 3.6.5 Technical Ability

|  |  |  |  |
| --- | --- | --- | --- |
|  | Technical Ability | Instructions | References |
| **1** | **Client referee / performance reports \*** | Use the *Client referee report* template to obtain client referee or performance reports for projects completed within the last three years. Note: two referee reports are required for each Work Category for which you are applying and for contracts above $9million Combine into one file and upload as PDF or zip file. | * Client Referee Report template
 |
| ***Note: The following is only required if you are applying for Construction related Project Management Services*** |
| **2** | **Government Policies** | Use the free text field to provide information on how your organisation demonstrates its ability to implement and follow (any) public sector/government procurement policies and guidelines. These can include tendering system, procedures and processes, commercial contract forms and manuals, prequalification schemes, performance management systems, claims resolution process. Use examples where applicable to support your response. |  |
| ***Note: The following is only required if you are applying for Architectural Services*** |
| **3** | **Architects Act 2003 (NSW)** | Under the Architects Act 2003 (NSW), a ‘Nominated Architect’ can be defined by meeting the requirements within this Act. If you have at least one staff member who meets the requirements as a Nominated Architect, please tick the first checkbox and list their name(s). Note this staff member(s) would need to be included in the Key Personnel nominated in the next section of the online application form. If you do not have at least one staff member who meets these requirements, please tick the second checkbox to declare that once you are included on the PL, you will seek qualification before Agencies invite your organisation to submissions to provide your services.  | * [Architects Act 2003 (NSW)](https://legislation.nsw.gov.au/view/html/inforce/current/act-2003-089)
 |
| **4** | **Architects Registration Board of NSW** | Also, under the Architects Act 2003 (NSW), an organisation must be registered with the Architects Registration Board of NSW in order to provide architectural services in NSW. If your organisation is already registered, please tick the first checkbox. If you are not registered, especially if the Applicant is an overseas-based organisation, please tick the second checkbox to declare that once you are included on the PL, you will obtain registration with the Architects Registration Board of NSW before Agencies invite your organisation to submissions to provide your services.  | * [NSW Architects Registration Board](https://www.architects.nsw.gov.au/)
 |

## Step 5: Capabilities

### 3.7.1 Work categories

Identify the work categories for which your organisation would provide services if included onto the Procurement List. The category selection should be based on your demonstrated recent experience and capabilities. There are multiple Work Categories in the primary categories of:

* **Construction related Project Management Services**
	+ Project Manager
	+ Project Manager Planning and Delivery – Health Infrastructure
* **Architectural Services**
	+ Architectural – General
	+ Architecture Planning and Delivery – Health Infrastructure

On the online application form, select one or more Work Categories that your organisation is seeking to provide services for if included on the Procurement List by ticking the corresponding checkbox **“Is this one of your capabilities?”**. This selection should be based on your demonstrated recent experience and capabilities.

### 3.7.2 Required evidence

There are requirements and qualifications for each Work Category in which you may be applying for. You can apply for as many categories as desired, provided you can upload the supporting evidence. The general requirements across all categories are listed in the table below. For further information, refer to section 3.1 of the PL Conditions. You will need to combine all required evidence in one file and upload as PDF or zip file.

|  |  |  |  |
| --- | --- | --- | --- |
|  | General requirement (per Work Category) | Instructions | References |
| **1** | **Experience** | Use the Experience template to provide requested details of contracts that demonstrate at least two (2) years of organisational experience relevant to the Work Category in which you are applying. This experience will need to be based on contracts with the value of your fees above $9M and can include services provided for both domestic and international work.  | * Experience template
 |
| **2** | **Key personnel**  | Use the Key Personnel template to provide details of Directors, Partners, Managers, key senior staff, and the main points of contact for the PL. This must include a minimum of 5 years in the past eight (8) years, demonstrating their relevant professional experience. **Note: for the Construction related Project Management services only, additional requirements for Key Personnel are required.** Nominated Key Personnel desirably have relevant training relating to Conflict Resolution and Alternative Dispute Resolution.  | * Key personnel template
 |

Combine the completed templates into one file and upload as PDF or zip file.

## Step 6: Review

### 3.8.1 Submit Procurement List Application

Read the PL Conditions that are linked within the document provided in this question. Once you have read these, tick the checkbox to confirm that, as the authorised representative for the Applicant, you agree to the terms and conditions if your application is successful.

Review your responses. If you need to make any amendments, click on the arrow to expand the corresponding section and click ‘Edit details’.

Once you are back at the Review page and happy with your responses, click ‘Submit application’.

# How will the NSW Government assess the Application?

## Assessment of Applications

The government Agency responsible for the PL will assess the Application solely on the conditions for participation that are specified in section 3.1 of the PL Conditions.

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

* A lookup on the Australian Business Register (ABR) website to validate information including the ABN, Business 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
* 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.

## Outcome of the Application

### 4.2.1 Notification of the outcome

If the government Agency responsible for the PL is satisfied that the Applicant meets the conditions for participation of the PL, it must include the Supplier on the PL. A notification of inclusion on the PL will be issued to the Applicant.

The government Agency responsible for the PL will promptly notify the Applicant if it rejects its Application. Debriefs of unsuccessful Applications are available upon request and will be provided in writing outlining the reasons the Application was unsuccessful.

### 4.2.2 Review, Appeals and Complaints

If an Applicant is not satisfied with the decision made by the NSW Government regarding its Application, the Applicant may request a formal review, appeal the outcomes of the review or make a formal complaint.

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 thePublic Works and Procurement Act (as amended by the Public Works and Procurement Amendment Act).

For further information about review, appeals and complaints refer to section 5 of the PL Conditions.

# Infrastructure Advisory Standard Commercial Framework

The Infrastructure Advisory Standard Commercial Framework (IA SCF), effective from 1 November 2022 and is recommended for use as by Agencies as guidance when engaging Suppliers for the supply of Infrastructure Advisory services. The objective of the IA SCF is to:

* Standardise recommended daily capped rates, discounts and expenses within all IA Services across NSW Government;
* Increase transparency and visibility of transactions across NSW Clusters and Agencies;
* Standardise and improve the governance and supplier engagement process; and
* Improve quality of deliverables and outcomes.

The IA SCF includes 3 key elements and 3 key enablers:

|  |  |  |
| --- | --- | --- |
| Key elements | Commercial Framework  | Description  |
| Capped Daily Resource Rates | Maximum daily rates per engagement and role type |
| Daily rate capped based on a standard 8-hour day and in AUD (excl. GST) |
| DiscountStructure | Volume discounts based on contract value (including variations) |
| Discounts applicable to secondments where NSW Government uses IA service providers to augment current teams |
| ExpensesPolicy | Defined standards on what expenses are billable |
| Standard cap on expenses as a percentage of total engagement cost |
| **Key enablers** | Resource Types | NSW Government standard 7 resource type definitions. Suppliers to provide rates as per NSW Government resource type definition guide |
| Service Types  | NSW Government standard 55 service type definitions for Infrastructure Advisory Services |
| Resource Mix Guides | Provides resource mix guidance to all IA buyers and suppliers |

For more details on how the IA SCF is applied please refer the [Infrastructure Advisory Services category page](https://buy.nsw.gov.au/resources/infrastructure-advisory-services) on [buy.nsw](https://buy.nsw.gov.au/resources/infrastructure-advisory-services).

# Terms and definitions

|  |  |
| --- | --- |
| Term | Definition |
| [ABN](https://www.abr.gov.au/business-super-funds-charities/applying-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 |
| Assignment | Professional Services which deliver specified project outcomes with agreed payments triggered by the delivery of those outcomes or defined deliverables. The risk of the assignment is borne by the supplier. |
| Buy.NSW | The central repository for all NSW Government procurement, <https://buy.nsw.gov.au>  |
| Construction Services | Services relating to construction of buildings or works, including1. pre-erection works
2. construction works
3. repairs, alterations and restorations.
 |
| Consultants performance report (CPR) | A report completed using the NSW Government’s CPR template or accepted method |
| EPPEnforceable Procurement Provisions | 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 |
| 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 |
| Infrastructure Advisory Services | Engineering, technical, design & advisory services provided under a fee for service arrangement in relation to any stage in the infrastructure asset lifecycle from concept through to commissioning (and where applicable the ongoing operations and maintenance of the asset) of all economic and social infrastructure assets for the NSW Government |
| PLProcurement List  | 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 |
| Professional Services | Professional Services are a type of external labour used by agencies for specialist advice and assistance. They are provided by external service providers, including consultants.Professional Services don’t include recurring services delivered for more than a year, for example, repairs, maintenance and technical support services. |
| Regional NSW | includes all areas within NSW outside the Newcastle, Sydney and Wollongong metropolitan areas |
| Regional Supplier | A business of any size with a registered business address in Regional NSW. |
| SCM1191 | Supplier Prequalification Scheme for Consultants in Construction below $9 million (ex GST) |
| Secondment | Professional Services where there is no defined deliverable and NSW Government is responsible for providing directions and managing the daily work of the resources. In this case, Suppliers are responsible for the skills, experience and capabilities of the resources during the engagements and will invoice NSW Government on a time and materials basis.  |
| 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 related consulting services valued above $9M (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, refer to section 2 of this document for all Work Categories available under this PL |
| Works  | Construction related consulting services valued above $9M |

# Frequently Asked Questions

1. **My organisation is prequalified under SCM1191 for consultants in construction. Do we have to complete a new Application for this new Procurement List?**

You only need to submit an application if you would like to bid for construction related consulting services above $9M.

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](https://buy.nsw.gov.au/policy-library/policies/enforceable-procurement-provisions) as well as the NSW Government’s [ten-point plan](https://www.infrastructure.nsw.gov.au/media/1649/10-point-commitment-to-the-construction-industry-final-002.pdf) 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.

1. **I want to undertake work in a geographical area in which I have not provided my services in previously. Am I still eligible for inclusion on the Procurement List?**

If you can demonstrate your organisation’s legal and financial capacity, as well as its commercial and technical abilities, you are eligible for inclusion on the PL. If there are areas you have serviced previously, please indicate these areas in the Service Area sections at part 2 (3.4 Office Detail) of the online application form.

1. **What type and how many referee reports do I need?**

Two (2) per category of work for which the organisation seeks to submit, an Application. The referee reports must be for projects completed within the last three (3) years.

1. **Can I use referee reports for partially completed jobs in my application?**

Only referee reports for completed contracts are acceptable.

1. **Can I use referee reports for work that was completed when I was working in or managing another organisation?**

Only referee reports for the current organisation (entity applying for the PL) are acceptable.

1. **Once I am included on the Procurement List – 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.

1. **Is the government Agency responsible for the Procurement List the Client on work that is offered?**

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 work 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.

1. **What do I need to do to remain included on the Procurement List?**

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.