**Notice of Establishing a Procurement List on eTendering**

This is a formal notice to the market required under the Enforceable Procurement Provisions (EPP) Direction to establish a new Procurement List.

All notices MUST be published on eTendering.

Below are the minimum requirements stipulated by the EPP Direction. These mandatory fields must be completed and approved prior to a request to establish a Procurement List being lodged.

|  |
| --- |
| **A: Minimum Requirements of a Notice:**  Compliance with clause 26 of the EPP Direction is mandatory. |
| **The below listed Government agency hereby invites suppliers who are able to meet the Conditions for Participation (contained within this Notice) to make an application to be included on an approved Procurement List as a pre-approved supplier.** |
| **Agency:**  Public Works  Department of Regional NSW |
| **The below description provides the market with an understanding of the goods and/or services required by the Government agency for which this Procurement List will be used.** |
| **Description:**  This PL may be used to procure the following construction related consulting services above $9M excluding GST:   * **Construction related Project Management services** * **Architectural Services**   The above services fall within the definition of Construction Services as defined in the EPP. Further details on the Work Categories are provided at section 2 of the Procurement List Conditions. |
| **The below describes the Conditions for Participation that will be used in the assessment of supplier’s applications to be included on this Procurement List.** |
| **Legal Capacity:**   * Applicant has a current Australian Business Number (ABN) * If applicable, additional evidence of company registration outside of Australia * Applicants cannot be a Trust or a Trustee * 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 * Applicants are not a joint venture applying for the same category of work as any of the parties to the joint venture * Agreement to the NSW Government Supplier Code of Conduct (refer section 8.4) * 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 |
| **Financial Capacity:**  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 * A declaration that the Directors of the Applicant have never been insolvent or bankrupt |
| **Commercial/Business Capability:** **For Construction Related Project Management services** **Insurance Requirements**   * Professional Indemnity Insurance: Applicants can demonstrate that they are currently insured for the minimum amount of $10M * 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. Generally, an annual policy held by the Applicant, which provides appropriate cover suitable for the engagement and which covers the Principal in general terms (not necessarily naming the Principal), is satisfactory. * Workers’ Compensation: Applicants can demonstrate appropriate cover as required by law.   **Quality Management System (QMS)**   * Demonstrated that adequate QMS systems are in place, including through accreditation/certifications such as:   + Certification to ISO 9001 through an organization listed by [JAZ ANZ](https://www.jas-anz.org/), or   + Any equivalent accreditation/certification and the Applicant’s ability to demonstrate that these accreditation/certifications are indeed equivalent to the above.   **Workplace Health and Safety (WHS) systems**   * Demonstrated that adequate 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.   **Infrastructure Advisory Standard Commercial Framework**  NSW Government has established a commercial framework for Infrastructure Advisory Services which is recommended for use as guidance by Agencies when engaging prequalified Suppliers on this Procurement List. **For Architectural Services** **Insurance Requirements**   * Professional Indemnity Insurance: Applicants can demonstrate that they are currently insured for the minimum amount of $10M * 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. Generally, an annual policy held by the Applicant, which provides appropriate cover suitable for the engagement and which covers the Principal in general terms (not necessarily naming the Principal), is satisfactory. * Workers’ Compensation: Applicants can demonstrate appropriate cover as required by law.   **Quality Management System (QMS)**   * Demonstrated that adequate QMS systems are in place, including through accreditation/certifications such as:   + Certification to ISO 9001 through an organization listed by [JAZ ANZ](https://www.jas-anz.org/), or   + Any equivalent accreditation/certification and the Applicant’s ability to demonstrate that these accreditation/certifications are indeed equivalent to the above.   **Environmental Management System (EMS)**   * + Demonstrated that adequate EMS systems are in place, including through 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. |
| **Technical Capability:** **For Construction Related Project Management services** The technical ability of the **Applicant** will be assessed based on the following criteria:   * Demonstrated 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 * Provided **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 within this category, wherever they have been delivered * That the Applicant should be aware that the GC21 Standard Form Contract is mostly used in NSW for the delivery of construction projects as published at <https://buy.nsw.gov.au/resources/gc21> * Demonstrated ability to implement and follow (any) public sector/government procurement policies and guidelines, including tendering system, procedures and processes, commercial contract forms and manuals, prequalification schemes, performance management systems, claims resolution process.   The technical ability of the **Applicant’s Key Personnel** will be assessed based on the following criteria:   * 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 * Minimum five years’ experience during the last 8 years within this category * Nominated Key Personnel desirably have relevant training relating to Conflict Resolution and Alternative Dispute Resolution * Experience and ability to undertake the role of the principal's representative.  **For Architectural Services** The technical ability of the **Applicant** will be assessed based on the following criteria:   * Demonstrated 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 * Provided **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 within this category, wherever they have been delivered.   The technical ability of the **Applicant’s Key Personnel** will be assessed based on the following criteria:   * Either:   + Registered with the Architects Registration Board of NSW and qualifications relevant to the Work Category as recognised by the Architects Registration Board of NSW   OR   * + Especially if the Applicant is an overseas-based organisation, a declaration that the Applicant would be required to seek registration with the Architects Registration Board of NSW once included on the PL and before Agencies can invite the Applicant to submissions. * Minimum five years’ experience during the last 8 years within this category |
| **The below describes the method in which the Government agency responsible for this Procurement List, will use to verify that suppliers satisfy the Conditions for Participation:** |
| The government Agency responsible for this PL will assess the Application solely on the conditions for participation that are specified in section 3.1.  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, 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 * Calculation and assessment of financial benchmarking ratios, including Net Tangible Assets, Current Ratio, Working Capital and Debt ratio * 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. |
| **The below provides suppliers with the contact details of the Government agency responsible for administering this Procurement List.** |
| **General Contact Details for all Procurements:**  Name: NSW Procurement Service Centre  Email: [nswbuy@treasury.nsw.gov.au](mailto:nswbuy@treasury.nsw.gov.au)  Phone: 1800 NSW BUY (1800 679 289) |
| **Contact Details for Complaints Handling:**  Category Manager Construction Public Works (PW), Department of Regional NSW email: consultant.prequal@pwa.nsw.gov.au  4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150  Locked Bag 5022, Parramatta NSW 2124 |
| **The below describes the period for which this Procurement List will operate:** |
| **Start:** 15 February 2021 |
| **Finish:** Indefinite, initially for 3 years |
| **Any changes to this Procurement List, including means for its renewal, termination or deadlines for making applications, will be described below:** |
| **Details:**  The NSW Government invites international and domestic Suppliers to make an Application to be included on this Procurement List. The Application process must be completed via the Supplier Hub website, previously called the eTendering system.  Applications are continuously open and the period of the Procurement List is indefinite, which means it will continue to operate until Suppliers are notified of its termination.  The NSW Government will notify Suppliers included on the Procurement List at least six months prior to terminating the Procurement List. This notification will be via:   * An email notification generated through the Supplier Hub system to the contact details provided by the Supplier * A public notice on the Supplier Hub website stating that the PL will be terminated and the date of termination * A public notice on the buy.nsw website stating that the PL will be terminated and the date of termination.   The Procurement List will be monitored by the NSW Government to assess whether the objectives and intent of the Procurement List are being met. Modifications to the Procurement List may be made at the discretion of the NSW Government at any time and may include any aspect of the Procurement List based on the requirements of the NSW Government.  When such modifications occur Suppliers will be notified of any changes or transitional arrangements that have been made. |
| **This Procurement List may be used for procurements to which the EPP Direction will apply.** |
| **A Government agency, utilising this Procurement list, may seek to conduct negotiations with suppliers who have been invited to make submissions.** |
| **Only suppliers, or a limited number of suppliers, included on this Procurement List may receive invitations to make submissions relating to procurements for which this list was established.** |
| **The below describes the justification for the limitation:** |
| 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.  Agencies inviting submissions may only approach a limited number of Suppliers on the PL as it may be inefficient for both, the Agency and the Suppliers, to invite all eligible Suppliers to participate in every procurement. |
| **The below describes the criteria for selecting those limited suppliers from this Procurement List:** |
| At a minimum the Agency will seek submissions from three Suppliers based on those Suppliers’:   * Nominated Work Category * Relevant experience, wherever it has occurred * Financial capacity to undertake the proposed work * Availability and capacity for undertaking the proposed work * Previously expressed interest with the Agency for a particular procurement listed in the Agency’s annual procurement plan. |
| **B. Approvals** |
| **Details of the person Completing this form:** |
| Saif Rehman  Category Manager Construction Public Works (PW), Department of Regional NSW email: consultant.prequal@pwa.nsw.gov.au  4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150  Locked Bag 5022, Parramatta NSW 2124 |

**Sourcing Services Use Only**

|  |  |  |
| --- | --- | --- |
| **D. Endorsement** | | |
| **Endorsed by:** | Name: |  |
| Position: |  |
| Contact number: |  |
| Email: |  |
| Date: | Click here to enter a date |
| Signature: |  |
| **Approved by:** | Name: |  |
| Position: |  |
| Contact number: |  |
| Email: |  |
| Date: | Click here to enter a date |
| Signature: |  |