



PREQUALIFICATION

WEED CONTROL CONTRACTORS



GUIDELINES FOR APPLICANTS

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1. General

This information is provided for weed control and horticultural service suppliers interested in offering their services to ACT Government .

ACT Directorates are responsible for undertaking their own procurement activities in accordance with the [Government Procurement Act 2001](#), and Government Procurement Guidelines and Circulars issued by the Government Procurement Board.

Shared Services Procurement of the Commerce and Works Directorate maintains a Prequalification Register of Potential Suppliers of Weed Control Services. The Register of prequalified suppliers and their contact details is available on the Shared Services Procurement website at www.procurement.act.gov.au/prequalification/list_of_pre-qualified_suppliers .

ACT Directorates must comply with the requirements of the [Government Procurement Regulation 2007](#) with regard to Government procurement – quotation and tender thresholds requirements.

Please also note that prequalification is a Condition of Tender and therefore must be maintained during the term of any contract issued to a provider as a result of that Tender / Expression of Interest / Request for Offer.

Prequalification is not to be construed as a guarantee for work and will only determine a contractor's eligibility to tender for work, subject to meeting any Territory legislative/regulatory requirements.

Territory procurement legislation, principles and policies, including value for money, are applied in the evaluation and selection of tenders.

2. Eligibility Criteria for Prequalification

Successful prequalification will depend on the applicant satisfying the following criteria:

(a) Annual Schedule of Rates

Applicants must supply (in **Schedule 1** of the Application) the hourly rates for the services that they wish to be prequalified for. These hourly rates will be applied to work undertaken during either the period 1 January to 30 June or 1 July to 31 December each year depending on the timing of approval of the Applicants prequalification.

The Applicant will be given the opportunity to provide revised rates each 6 months being from 1 January and 1 July respectively.

(b) Plant and Equipment including Vehicles

Applicants must specify equipment and vehicles available for weed control work (see **Schedule 2** of the Application).

Applicants must also submit copies of current registrations for vehicles (see **Schedule 4** of the Application) to be used for these services.

Please note that at the time of an agency issuing a purchase order or contract - after inviting quotations - vehicles and equipment must meet the requirements as set out in the '*Check List for Spray Contractor's Vehicles and Equipment*' (see **Schedule 2** of the Application).

Specific usage of equipment and vehicles will be detailed in tender documentation.

(c) Staff Qualifications and Experience

Applicants must be able to demonstrate that they employ suitably qualified operators to undertake weed control services who hold current ChemCert or equivalent accreditation and have at least two years relevant work experience.

Applicants are also to provide the names of operators (in **Schedule 3** of the Application) who will undertake the work and include their qualifications and experience. Only those applicants holding a current Environmental Authorisation and operators, with their level of competency, listed on the Authorisation are permitted to use agricultural chemicals.

The minimum requirement for operators undertaking general weed control (applying pesticides in horticultural situations) is successful achievement of an Australian Qualification Training Framework course, namely:

- AQTF Certificate III, equivalent to Certificate in Horticulture (SMARTtrain Level 3).

The operators must also have at least two (2) years relevant experience in the use of weed control equipment and agricultural chemicals.

(d) Insurances

Applicants for prequalification to weed control services must hold current insurances with respect to Public Liability (of not less than \$10m), Workers Compensation, Personal Injury Insurance, vehicle third party and comprehensive insurance, plant and equipment and others as appropriate. Certificates of currency or copies of current policies must be provided (see **Schedule 4** of the Application).

(e) Demonstrated knowledge of relevant legislation and regulations

Applicants must acknowledge their understanding of relevant Territory and Commonwealth legislation and regulations (see **Schedule 5** of the Application) in delivering weed control services, for example:

- the [Planning and Development Act 2007](#) – Meaning of Sustainable Development (see Chapter 2 Section 9);
- the [Environment Protection Act 1997](#);
- ACT Weed Strategy at www.tams.act.gov.au/data/assets/pdf_file/0005/158873/ACT_WEED_STRATEGY.pdf ;
- Territory and Municipal Services Directorate Use of AGVET Chemicals – see www.tams.act.gov.au/data/assets/pdf_file/0006/13776/environmentprotectionactplanpdf.pdf ;
- the [Work Health Safety Act 2011](#) and associated regulations in relation to work practices; and
- the [Dangerous Substances Act 2004](#) and associated regulations including obligations specifically on hazardous pesticides.

(f) Relevant Experience and Performance

Applicants are to provide details of their relevant experience and performance in providing weed control services and the names of three referees (see **Schedule 6** of the Application).

Applicants should note that, in becoming prequalified and subsequently engaged to undertake work, they will be subject to contractor performance review that will be used in assessments for future work.

(g) Commitment to the Principles of Environmental Sustainability

Prequalified suppliers when selected for agency weed control work must make every effort to recycle materials in support of the ACT Government's strategic aim of the ACT Waste Management Strategy 2011-2025. Recycling depots located at Mitchell Soil Recycling Centre, Mugga Way or Belconnen landfills must be used to recycle materials that cannot be used in the landscape (See **Schedule 7** of the Application).

(h) Environmental Authorisation

Applicants must hold a current Environmental Authorisation issued by the Environmental Protection Agency. These are explained at www.environment.act.gov.au/environment2/environment_protection_authority.

An Environmental Authorisation is a form of licence to conduct an activity that has a significant potential to cause environmental harm. An Authorisation sets out the conditions under which the activity may be conducted.

Under Schedule 1 of the [Environment Protection Act 1997](#), an Environmental Authorisation is required in relation to the commercial use of chemical products registered under the [Agricultural and Veterinary Chemicals Code Act 1994](#) (Cth). To be prequalified for Weed Control activities a potential supplier must hold a current Environmental Authorisation as issued Environment Protection Agency, a copy of which is to be submitted with the Application (see **Schedule 8** of the Application).

(i) Employee and Industrial Relations Obligations

The ACT Government has a policy of ethical employment arrangements from its prequalified suppliers. Applicants must certify (in the form of **Schedule 9 Form of Undertaking**) that they have complied with their employee and industrial relations obligations. Applicants need to note the following definition applying to ACT Government tendering requirements in this regard:

Employee and industrial relations obligations means compliance with:

- (a) **Prescribed Legislation**; and
- (b) determinations made by the tribunals of competent jurisdiction in respect of the interpretation, breach or any other matter concerning any **Prescribed Legislation**.

Note: Examples of employee and industrial relations obligations may typically include payment of remuneration; training; annual holidays; long service leave entitlements; occupational health and safety; workers' compensation; injury management, (including rehabilitation); legal age of employment; discrimination; and superannuation. This list is non exhaustive.

Prescribed Legislation means:

- (a) awards or industrial agreements made pursuant to any legislation applicable to a supplier or **Subcontractor**;
- (b) *Building and Construction Industry Improvement Act 2005* (Cwlth);
- (c) *Workplace Gender Equality Act 2012* (Cwlth);
- (d) *Fair Work Act 2009* (Cwlth);
- (e) *Long Service Leave (Portable Schemes) Act 2009* (ACT);

- (f) *Long Service Leave Act 1976* (ACT);
- (g) *Paid Parental Leave Act 2010* (Cwlth);
- (h) *Payroll Tax Act 2011* (ACT);
- (i) *Superannuation Guarantee (Administration) Act 1992* (Cwlth);
- (j) *Work Health & Safety Act 2011* (ACT);
- (k) *Workers Compensation Act 1951*(ACT);
- (l) any Regulations made under the above Acts;
- (m) any laws of the Commonwealth or the Australian Capital Territory which vary or replace the above Acts or Regulations, or any part of them; and
- (n) any other Acts or Regulations of the Commonwealth or the Australian Capital Territory, which deal with matters relating to industrial relations, employment and/or workplace safety obligations.

Subcontractor means an entity that is contracted by the **Applicant Entity** to provide services or works in connection with a **Contract** between the Territory and the **Applicant Entity**.

Please note that Government Directorates are bound by the *Government Procurement Act 2001* to ensure the compliance by suppliers and subcontractors with their employee and industrial relations obligations.

The ACT Government also has a policy of not dealing with suppliers who do not comply with the requirements of the [Workplace Gender Equality Act 2012](#) (Cwlth).

3. Ecologically Sustainable Development (ESD) Principles

In the context of chemical spraying for weed control on Territory lands, the ACT Government supports Australia's *National Strategy for Ecologically Sustainable Development (1992)*. The Strategy's policies and programs are explained at www.environment.gov.au/about/esd/index.html#epbc .

4. Industrial Relations and Employment Obligations Strategy

This Strategy which was implemented on 1 July 2011 by the ACT Government does not apply to weed control contractors.

5. Prequalification summary

Prequalification is generally for a nominal period of twelve (12) months.

Renewal of prequalification shall be in accordance with the requirements in force at the time of renewal.

Applicants should take care when applying that weed control services offered reflect their capacity to supply these services.

Applications are generally processed within 15 working days of receipt, with the result confirmed in writing.

All prequalified suppliers will be listed on the public website Register at www.procurement.act.gov.au/prequalification by listing name, address and contact.

6. Notification & Appeals

The Prequalification Registrar issues advice notifying all contractors whether or not they have been successful in prequalifying and the prequalification code(s) they have been awarded. Prequalification can be withdrawn at any time, once it becomes apparent that a contractor is unable to satisfy any or all of the prequalification criteria.

In the event of a contractor appealing the result of their application, the following procedures apply.

The appeal is lodged with the Executive Director of Shared Services Procurement, Commerce & Works Directorate. The appeal is to include a statement identifying the precise determination against which the appeal is made and provide reasons why the decision should be set aside or reviewed.

The Executive Director of Shared Services Procurement will consider the appeal in conjunction with a suitable panel and determine whether or not the appeal is to be upheld or rejected.

The appellant will be advised in writing of the determination. If the appeal has been unsuccessful, the reasons for rejecting the appeal will be given.

7. Confidentiality and Information Sharing

By submitting a prequalification application the applicant authorises the Territory to provide to any Territory, State or Commonwealth government agency (including any regulatory or law enforcement body, which includes, without limitation, WorkSafe ACT) as evidence of the applicant's consent to allow that agency to release information as requested by the Territory to any Territory, State or Commonwealth government agency.

The Territory may refer an applicant's documentation to an external agency or assessor for information sharing or assessment. Such entities are required to maintain confidentiality of all information received.

Information submitted in an application for prequalification will be treated as commercial-in-confidence and will not be disclosed to any party outside the Territory and its Directorates and assessors unless the Territory is legally required to do so for the purposes of obtaining legal or financial advice in the context of the applicant's prequalification application.

Once prequalified, a prequalified supplier's details, including details of its performance of contracts awarded, may be shared with Territory and other government Directorates for the purpose of monitoring contract performance and to determine continued eligibility for prequalification.

Prequalified suppliers' details will be notified on the Shared Services Procurement website www.procurement.act.gov.au

8. Further information

For information regarding prequalification of potential suppliers of weed control services and for assistance with your Application you should contact:

The Prequalification Team, Shared Services Procurement

Commerce and Works Directorate

PO Box 818

DICKSON ACT 2602

Location

Level 3 Annexe, Macarthur House

12 Wattle Street

LYNEHAM ACT 2602

Telephone: (02) 6207 7154

Facsimile: (02) 6207 5574

Email: SharedServicesProcurementPrequalification@act.gov.au

Website: www.procurement.act.gov.au/prequalification

for technical enquiries -

Steve Taylor

Senior Weed Management Officer

Parks and Conversation

Territory & Municipal Services Directorate - TAMSD

Telephone: (02) 6207 2278

Facsimile: (02) 6207 2544

E-mail: steve.taylor@act.gov.au