

ACT GOVERNMENT PREQUALIFICATION SCHEME FOR CONSTRUCTION INDUSTRY CONSULTANTS

POLICY AND GUIDELINES FOR APPLICANTS

Table of Contents

1.	Background and Interpretation.....	3
	Objectives of the Scheme.....	3
	Maintenance of Prequalification.....	4
2.	Who may apply for Prequalification?.....	7
3.	Recognition of other Jurisdictions’ schemes.....	7
4.	Prequalification Process.....	8
5.	Process following assessment of Application	12
6.	Maintenance of Prequalification status	14
7.	No Guarantee of Work.....	17
8.	Other matters.....	17
9.	Contacts for Further Information.....	18
	Appendix 1 – Prequalification Process Flow Chart.....	19
	Table 1 - Prequalification Category Descriptors for Consultants	20
	Table 2 – Consultant Qualifications, Licencing, Management Systems & Financial Requirements	21

1. Background and Interpretation

- 1.1 The ACT Government has operated prequalification schemes for construction industry suppliers since 1993. Prequalification is often a prerequisite to participation in a Procurement Process.
- 1.2 The current Scheme deals with Prequalification for various Categories. The Scheme extends beyond the initial application, assessment and recognition of a consultant's awarded prequalification status. The Scheme includes the ongoing management of a consultant's performance and continuous recognition of prequalification level throughout the period of a consultant's prequalification.
- 1.3 This document sets out the policy in respect of the Scheme and also provides Guidelines for Applicants.

Objectives of the Scheme

- 1.4 The Scheme's main objectives are to:
 - (1) implement good risk management practices to minimise the risk to both the Territory and subcontractors/subconsultants associated with a company's poor performance and/or financial failure;
 - (2) promote environmentally sustainable practices in the construction industry; and
 - (3) encourage efficiencies in tendering processes to make it easier for firms to do business with the ACT Government.
- 1.5 Prequalification is not a one-off assessment. It involves a continuous process involving review of a consultant's capabilities as follows:
 - (1) an initial Application for Prequalification/renewal of prequalification, which is assessed against identified criteria;
 - (2) possible financial and/or technical checks as part of a Procurement Process, before a contract is awarded; and
 - (3) assessment of the consultant's performance during and at the completion of contracts, and at other times when a review may be warranted.
- 1.6 Prequalification is the primary mechanism for enforcing the National Code of Practice for the Construction Industry.
- 1.7 An important benefit of prequalification is significantly reduced tender assessment timeframes and more efficient contract management. These benefits arise as prequalified tenderers have already demonstrated an understanding of and compliance with ACT Government construction industry requirements, particularly as these relate to management systems and other threshold criteria.

Categories of Prequalification for Consultants

- 1.8 ACT Government policy is to use private enterprise consultants for the delivery of certain public works. Such consultants include superintendents, design & construct contractors, project managers and a range of consultants providing specialist services such as engineers, environmental services, architectural design and landscape design. Procurement ACT maintains a register of prequalified consultants. Prequalification is applicable for engagement where the project fee is estimated to be greater than \$50,000.

Criteria against which prequalification is assessed

- 1.9 Eligibility for Prequalification is assessed against a number of criteria including criteria referable to the following:
- Management Systems;
 - Technical Capacity;
 - Financial Capacity; and
 - Insurances.

Maintenance of Prequalification

- 1.10 Prequalification, where there is a Category, is a condition of tender in a Procurement Process conducted by the ACT Government. Therefore, a successful consultant will be required to maintain its prequalification status during the term of any resulting contract.
- 1.11 Prequalification will generally be granted for a nominal period of twelve (12) months. Renewal of Prequalification shall be in accordance with requirements in force at the time of renewal. Care should be exercised, when applying for prequalification, to ensure that offered categories of work accurately reflect the nature of the firm's business.
- 1.12 Notwithstanding the present free arrangement to register and prequalify, applicants will be required to pay for any travel, subsistence and time related costs associated with any assessment to register or prequalify for a particular field of work.
- 1.13 During the current period of any prequalification, consultants may seek to increase and/or vary the Categories originally applied for, by application in writing.
- 1.14 Consultants who have allowed their prequalification to lapse may be required to submit a new application. A lapsed prequalification that is re-instated shall not be made retrospective.

Information contained in any application shall be treated as 'Commercial - in - Confidence' and not disclosed to any other party, other than a Territory entity

or as provided in these Guidelines without the permission of the applicant. A list of prequalified consultants will be made publicly available at http://www.procurement.act.gov.au/prequalification/prequalified_suppliers_list

Territory policies

- 1.15 All consultants should make themselves aware of the IRE Strategy/Secure Local Jobs Code (SLJC). The IRE Strategy commenced on 1 July 2011 and the SLJC on 15 January 2019. Full details of the IRE Strategy can be obtained from http://www.procurement.act.gov.au/prequalification/industrial_relations_and_employment_obligations and SLJC at: <https://www.procurement.act.gov.au/securelocaljobs/business> The IRE/SLJC Strategies applies to all head contractors, trade contractors, sub contractors and project managers.

Consultants prequalified as project managers (PM), design & construction consulting services (DC), Design, document and construction services (DCC) and managing contractor (MC) will also need to comply with the WHS Active Certification Policy as they may be performing “Construction Work”, as defined in that policy. This is also referenced under Section 289 of the *Work Health & Safety Regulation 2011*. As such, for the above Categories the Scheme will be a “Prequalification Scheme” (as defined in and for the purpose of the WHS Active Certification Policy).

Definitions

- 1.16 The following definitions apply in these Guidelines:

ACT Government or Territory means:

- (1) the Australian Capital Territory being the body politic established by section 7 of the *Australian Capital Territory (Self-Government) Act 1988* (Cth); and
- (2) any Territory entity under the *Auditor-General Act 1996* (ACT) excluding: the University of Canberra; a Territory-owned corporation or another entity established under the *Corporations Act 2001* (Cth).

Applicant - a consultant seeking Prequalification under the Scheme.

Applicant’s Declaration – a declaration in such form as required by the ACT Government from time to time, to be completed by Applicants (or, where applicable, their authorised representatives), which must be provided as part of and with their Application.

Application – an application for Prequalification under the Scheme by an Applicant.

Application Form – the approved form or forms, as advised by the ACT Government from time to time, which must be lodged by Applicants for Prequalification.

business day - any day other than a Saturday, Sunday or public holiday in the Australian Capital Territory.

Category or Categories - the various categories of work to which the Scheme applies as set under the columns headed Category Code/Category Descriptor in Table 1 – Prequalification Category Descriptors for Consultants.

Code – the *National Code of Practice for the Construction Industry 1997* issued by the Australasian Procurement and Construction Council Inc.

Guidelines – means this policy and guidelines which set out the conditions relevant to the Scheme.

IRE Strategy - the ACT Government's *Compliance with Industrial Relations and Employment Obligations Strategy for ACT Capital Works Projects*.

Prequalification - prequalification under the Scheme.

Procurement Process – a request for tender, request for proposal, expression of interest, request for quotation or any other request for offer, issued by the Territory.

Prequalification Registrar – the person holding the position of Senior Manager Contracts & Prequalification Unit in Procurement ACT (or such other employee of the Territory, nominated from time to time).

Prequalification Unit – that part of Procurement ACT responsible for providing administrative support in respect of the Scheme.

Procurement ACT – the Territory agency being part of the Chief Minister, Treasury and Economic Development Directorate.

Sanction - the suspension or cancellation of a consultant's Prequalification.

Scheme – the ACT Government Prequalification Scheme for Consultants (as set out in the Guidelines).

Secure Local Jobs Code - The ACT Government has changed the way it awards contracts to support businesses that do the right thing by their workers. Secure Local Jobs strengthens the ACT Government's procurement practices so its contracts are only awarded to businesses that meet high ethical and labour standards. The new requirements apply to businesses tendering for construction, cleaning, security or traffic management work from 15 January 2019 and will create fairer procurement processes for ethical employers whilst holding to account business not meeting their industrial and legal obligations. Applicants should inform themselves about the requirements of Secure Local Jobs by reviewing the policy which can be accessed on the ACT Procurement website <http://www.procurement.act.gov.au/>

Show Cause Notice – a notice issued by the Territory to a prequalified consultant requiring the consultant to show cause why its Prequalification status not be cancelled or suspended.

WHS Active Certification Policy means the Territory's WHS Active Certification Policy, as amended from time to time. A copy of the WHS Active Certification Policy may be obtained from <https://www.procurement.act.gov.au/about/active-certification> .

Interpretation

- 1.17 The words "including" and "includes", and any variants of those words, will be read as if followed by the words "without limitation",

2. Who may apply for Prequalification?

- 2.1 Applications may only be received from legal entities. A business or trading name is not a legal entity unless it is also the name of the registered company or sole trader. Applicants should ensure the Application identifies a legal entity as the Applicant.

Companies

- 2.2 Companies that possess relevant experience in specified categories may be eligible to apply for Prequalification for particular Categories.

Newly formed companies

- 2.3 Newly-formed companies are unlikely to be in a position to provide details of any significant past experience or financial capacity. As such, the suitability for prequalification of newly-formed companies will be assessed on a case-by-case basis, taking into consideration the entity's status.

Incorporated joint ventures

- 2.4 An incorporated joint venture (JV) must meet the criteria for prequalification 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.

Unincorporated joint ventures

- 2.5 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. 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.

3. Recognition of other Jurisdictions' schemes

- 3.1 Whilst it is noted that all Australian jurisdictions have variations in the practical application of their prequalification schemes, all prequalification

schemes have been set up to address substantially the same principles and objectives. In the interest of reducing administrative costs to industry and duplication of effort within government the Territory may, subject to any conditions set out in these Guidelines, recognise other States' & Territory prequalification schemes.

- 3.2 The possession of a prequalification certification in another Australian jurisdiction will not, of itself, be sufficient to be prequalified by the Territory in the Australian Capital Territory. Applicants seeking to rely on their interstate prequalification will be asked to provide their application and all the supporting information they supplied to that other jurisdiction with their application for prequalification, together with their prequalification certificate.
- 3.3 Procurement ACT will review the information supplied to determine which Category may be appropriate for the Applicant. Procurement ACT will also conduct the necessary financial and other checks. Procurement ACT may also seek additional information to enable consideration of the Applicant's request for Prequalification through recognition of their status in another Australian jurisdiction.

4. Prequalification Process

- 4.1 Prequalification under the Scheme to a nominated Category may be a precondition to a contractor participating in a Procurement Process conducted by the Territory. Where this is the position consultants may only participate in the Procurement Process if they are prequalified in the required Category prior to the closing of initial responses to the Procurement Process.

Application

- 4.2 Applicants seeking Prequalification (which includes a renewal of Prequalification) must complete an Application Form and submit it and any supporting information to Procurement ACT for assessment. All Applicants must provide an Applicant's Declaration with their Application. The Applicant must ensure that all particulars in the Application and supporting documentation are true and correct.
- 4.3 Applicants may contact Procurement ACT to obtain information about the Scheme and Application Forms, or alternatively download the documents from https://www.procurement.act.gov.au/prequalification/prequalification_document_downloads. In the Application Form the Applicant must identify the Category or Categories for which it is applying for Prequalification. Applicants must also address each of the prequalification criteria (see part 6 of these Guidelines for further details).
- 4.4 In applying for Prequalification the Applicant is deemed to have accepted the conditions of prequalification set out in the Scheme and acknowledges and accepts they may be varied from time to time.

Time for assessment

- 4.5 The assessment process generally takes a minimum of 30 business days.

Initial Review

- 4.6 The Application Form and supporting information is initially reviewed to ensure that all the information is provided. Where necessary, clarification may be sought from the Applicant.

Prequalification Criteria - Technical capacity

- 4.7 The technical capacity of the Applicant will be assessed in considering its Application.

Technical Capacity - Experience and Capability / Past Performance / Teams / Licences/ Professional qualifications

- 4.8 Compliance involves the Applicant demonstrating, to the satisfaction of the Territory, previous experience and capability relevant to the proposed Category for which the Applicant is seeking prequalification.
- 4.9 To meet the requirements of this criterion the Applicant must provide, for the assessment of the Territory, information on areas of work that include: expertise or specialisation, past experience, staffing levels, management and administration capabilities including the use of contractors, sub-consultants, plant and equipment and computer aided design capability or resources.
- 4.10 Applicants must provide evidence of appropriate technical qualifications including current licences to practice in the Australian Capital Territory as part of their Application. Applicants should refer to Table 2 in the Guidelines, which outlines the qualifications and licensing requirements Applicants for prequalification will need to satisfy in respect of each Category.

Technical Capacity - work health and safety (this applies to the PM, DC, DCC and MC Categories only)

- 4.11 The ACT Government recognises work health and safety as a priority. Given this position it seeks to establish that Applicants for Prequalification in specified Categories have an acceptable work health and safety performance record. Once prequalified, consultants who perform work for the Territory must comply with all Territory policies from time to time, including the WHS Active Certification Policy.
- 4.12 Applicants for Prequalification in the PM, DC, DCC and MC Categories should be aware that the quantum and status of "Final Points" (as defined in WHS Active Certification Policy) allocated against them in accordance with the WHS Active Certification Policy will be considered by the Territory in assessing an Applicant's Application. Consultant prequalified in the PM, DC, DCC and MC

Categories may be allocated Points, in accordance with the WHS Active Certification Policy. The allocation of those Points will be one tool used by the Territory to monitor and assess the ongoing work health and safety performance of consultants prequalified in the identified Categories. Prequalified consultants in the PM, DC, DCC and MC Categories should be aware that once they have been allocated 100 Final Points the Territory will take steps to cancel their prequalification status under the Scheme.

- 4.13 Applicants for Prequalification in the PM, DC, DCC and MC Categories will be required to have in place an OHS management system that meets the minimum requirements set out in these Guidelines.
- 4.14 Applicants for Prequalification in the PM, DC, DCC and MC Categories will be required to provide information regarding their work health and safety record and performance in their Applicant's Declaration, to be provided with their Application. This information will be considered by the Territory in assessing an Applicant's Application.

Financial Capacity

- 4.15 Applicants for prequalification under the Scheme will be required to satisfy financial viability assessment criteria. Financial assessment applies to all Categories. To enable assessment Applicants will need to supply their previous 3 years financial statements to the Territory's external assessor when requested (see below for further details).
- 4.16 The Territory may rely on the advice of an external assessor in considering an Applicant's compliance with the financial capacity criterion. Once the Application is received the Territory's external assessor will contact the Applicant and provide it with prescribed forms to be completed. The Applicant will be required to provide the external assessor with the prescribed financial information set out in the forms. A sample financial assessment kit (including draft forms) is available for the information only of Applicants at http://www.procurement.act.gov.au/prequalification/prequalification_document_downloads. All information provided in the kit and to the external assessor remains strictly confidential.
- 4.17 The external assessor may contact the Applicant to discuss the financial information provided by the Applicant and seek additional information or clarification, if required.

Insurance

- 4.18 Requirements to meet this criterion include Professional Indemnity (of not less than \$5m) and Public Liability insurance cover (of not less than \$10m). These levels may vary with the services offered in an individual Procurement Process. Workers Compensation is also a mandatory requirement.

Business Management Systems: Quality Management/ Environmental Management/ Occupational Health Safety & Rehabilitation Management

- 4.19 Applicants must provide evidence of certified business management systems relevant to the Category for which they are applying. Applicants are referred to Table 2 which identifies what business management systems require certification for each Category and the relevant level of certification required.
- 4.20 The Territory reserves the right to audit the business management systems of prequalified consultants during the term of any subsequent contracts.
- 4.21 Where the Territory requires an Applicant's business management system to be certified it will accept evidence of either:
- (1) Second party certification – being a system audited by an approved ACT Government accredited auditor; or
 - (2) Full 3rd party certification to the standards as follows: for the Quality Management System (**QMS**) - AS/NZS ISO 9001:2015; for the Environmental Management System (**EMS**) - AS/NZS ISO 14001:2015 and for the OHS Management system (**OHS**)- AS/NZS ISO 4801:2001.
- 4.22 The Territory may engage an external auditor(s) to conduct a review of one or more business management systems of the Applicant and provide the Territory with a report to inform the review of the Application.
- 4.23 QMS, EMS and OHS third party or ACT second party certification is a mandatory requirement for all Applicants seeking prequalification in the Project Manager (PM) Category or any Category which includes Superintendency services (CA, CE, CEV, CLA, DC, DDC, PM, and MC).
- 4.24 Applicants seeking prequalification in the following Categories – CA-D, CE-D, CEV-D, CQS, CLA-D & CS DO NOT need OHS & EMS certification, but will be required to provide evidence of QMS certification.
- 4.25 A list of accredited senior auditors acceptable to the Territory, for the purpose of providing second party certification is available at https://www.procurement.act.gov.au/prequalification/prequalified_suppliers_list.

National Code of Practice for the Construction Industry

- 4.26 The ACT Government has adopted the National Code of Practice for the Construction Industry. Applicants will be required to declare they are compliant with the National Code of Practice for the Construction Industry as part of their Application.

Industrial Relations and Employment Obligations/Secure Local Jobs Code

4.27 Applicants must comply with the IRE/Secure Local Jobs Code Strategies.

5. Process following assessment of Application

Preparation of file and report on Application

5.1 A file is generated for each Application by the Prequalification Unit. The file is confidential and is not accessible to officers outside the ACT Government. Following the review of the Application, a consolidated report is prepared recommending either approval or decline of the Application. That report is provided to a delegate of Procurement ACT for consideration.

Decision to approve Application and grant Prequalification

5.2 If the Application is approved by the delegate Prequalification will be granted. The Prequalification Registrar will prepare a certificate and forward it to the successful Applicant. The Prequalification will be granted for an identified Category or Categories. The Prequalification may be granted subject to conditions.

5.3 Details on the prequalification certificate may include the following:

- (1) the name of the prequalified consultant;
- (2) the street address of the prequalified consultant;
- (3) the Category or Categories referable to the Prequalification (which may extend to an attached schedule);
- (4) the dates of currency for the Prequalification; and
- (5) the prequalification certificate number.

5.4 If Prequalification is awarded the Applicant's details will be placed on the Procurement ACT website, including the details of: the Category or Categories; a contact person for the Applicant; expiration date of the Prequalification and any restrictions or conditions placed on the Applicant's Prequalification.

Decision not to approve Application

5.5 If the Application is not approved a letter will be sent to the Applicant by the Prequalification Registrar informing them of the reason/s.

5.6 Where a decision has been made not to approve and Application and grant Prequalification Applicants may seek a review of the decision or appeal it in accordance with the procedure set out in Part 6 of the Guidelines.

Consideration of other information

- 5.7 Applicants may be requested to submit additional information to allow further consideration of their Application. The failure by an Applicant to submit the additional information may result in their Application being rejected and not further considered.
- 5.8 By submitting an Application (and while prequalified, if Prequalification is granted to the Applicant) the Applicant authorises the Territory to:
- (1) obtain from any Territory, State or Commonwealth government agency (including for the avoidance of doubt, any regulatory or law enforcement body) and take into account in its evaluation (and any review of prequalification status under the Scheme), information, including information about the Applicant's performance under contracts (whether or not those contracts were with the Territory, State or Commonwealth or another entity and whether or not those contracts were identified by the Applicant in its Application);
 - (2) obtain and take into account in its evaluation of the Application (and any review of prequalification status under the Scheme), information from referees or other reputable sources on the performance of the Applicant on projects (whether or not they are identified by the Applicant in their Application);
 - (3) use any information obtained from any Territory, State or Commonwealth government agency (including for the avoidance of doubt, any regulatory or law enforcement body), referee or other reputable source for any government purposes including, without limitation, assessment of suitability for award of contract, registration or selective tender lists; the granting of Prequalification; the review of Prequalification status and the review and appeal process set out in this Scheme;
 - (4) provide information about the Applicant to any Territory, State or Commonwealth government agency, including information provided by the Applicant and information related to the Applicant's performance at any time and for any reason;
 - (5) provide the name of the Applicant to Unions ACT for comment;
 - (6) provide the Applicant's Declaration 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 it.

6. Maintenance of Prequalification status

Provision of Updated Information

- 6.1 In order for a prequalified consultant to maintain its prequalification status the consultant must submit for assessment regular and full updates of information to support its ongoing financial capacity and technical capacity as and when requested by the Territory.
- 6.2 The Territory will monitor and assess the ongoing performance of each prequalified consultant. Each consultant's prequalification status will depend on the consultant maintaining a good level of performance in its delivery of the Territory's contracts. Performance reports may be prepared during the course of and at the end of a contract.
- 6.3 The reports will be used to promote the process of continuous improvement, to support the consultant's ongoing prequalification status and to ensure a common understanding of expectations for both parties regarding the contracted works.
- 6.4 As part of monitoring and assessing the consultant's ongoing performance the Territory will consider the consultant's performance and compliance with ACT Government policies including the IRE Strategy/Secure Local Jobs and the WHS Active Certification Policy, where applicable.

Review of a Consultant's Prequalification Status

- 6.5 The Territory may review a consultant's prequalification status at any time. A review may be initiated, for any reason, including any one or more of the following:
 - (1) where a consultant's performance is considered unsatisfactory;
 - (2) following changes to a consultant's organisational structure, or technical or financial capacity which, in the opinion of the Territory, may have an adverse effect on the consultant's performance;
 - (3) where restrictions on a licence/registration to practise are imposed, or third party certification of a management system is withdrawn or has expired;
 - (4) for failure to comply with the terms and conditions of prequalification as set out in these Guidelines, and elsewhere; or
 - (5) the consultant fails to comply with the IRE Strategy/Secure Local Jobs or WHS Active Certification Policy, if applicable.

Outcome of review

- 6.6 As a result of a review, the Territory may, at its discretion, cancel or suspend a consultant's prequalification status. If any such action is proposed, the consultant will first be given the opportunity to show cause why its prequalification status should not be cancelled or suspended.

Show cause notice

- 6.7 The show cause process shall be undertaken through the issue of a formal Show Cause Notice to the consultant. The Show Cause Notice shall:
- (1) state that it is a notice under the Scheme;
 - (2) specify the alleged breach;
 - (3) require the consultant to show cause in writing why the Territory should not exercise the right to cancel or suspend the consultant's prequalification status; and
 - (4) specify the time and date (which will be not more than 10 business days) by which the consultant must show cause.
- 6.8 The Territory may make further enquiries to verify the consultant's responses to a Show Cause Notice.

Failure to respond to Show Cause Notice

- 6.9 If by the time specified in a Show Cause Notice the consultant fails to respond or to show reasonable cause why the Territory should not adjust the prequalification status, the Territory may cancel or suspend the prequalification status without further notice to the consultant.

Cancellation

- 6.10 The Territory may cancel a consultant's Prequalification. Examples of breaches that may give rise to cancellation of a consultant's Prequalification include (but are not limited to):
- (1) unsatisfactory performance on one or more contracts between the consultant and the Territory;
 - (2) a failure to comply with the WHS Active Certification Policy, if applicable, sufficient to give rise to a cancellation of prequalification;
 - (3) a show cause notice has been issued in relation to a contract, or a contract has been terminated;

- (4) the prequalified consultant is: insolvent; has been placed into administration (whether voluntary or otherwise); has a liquidator, provisional liquidator, controller, receiver, receiver and manager or administrator appointed or a mortgagee take possession of any of its property, or is involved in a compromise or other arrangements with creditors;
- (5) an adverse change in the consultant's management systems or technical capability (including availability of key personnel) from that on which the prequalification Application was assessed and determined such that the consultant no longer fully meets the requirements for prequalification; or
- (6) where the consultant is experiencing financial problems, as verified or reasonably suspected by the Territory.

Suspension

- 6.11 Prequalification may be suspended in particular circumstances, such as where the consultant is experiencing a temporary problem and is unable to satisfy all of the prequalification criteria in the short term. In such circumstances, the consultant's prequalification may be suspended until the temporary problem is remedied and the consultant is again able to satisfy all of the criteria corresponding to the Category of prequalification granted.

Reviews and Appeals

- 6.12 If a consultant is not satisfied with any decision made by the Territory in relation to the Territory's prequalification decisions or Sanctions, the consultant may either request a review of the original decision, or lodge an appeal against the decision, as follows.

Reviews

- 6.13 The consultant may request a review of the decision by the original assessors. The request for review must contain full details of the reasons for the request for review and together with any additional information upon which the consultant wishes to rely. Any request for a review must be lodged with the Executive Director, Procurement ACT, Chief Minister, Treasury and Economic Development Directorate within 20 business days of the date of the letter advising of the prequalification decision.

Appeals

- 6.14 Requests for appeals must be lodged with the Executive Director, Procurement ACT, Chief Minister, Treasury and Economic Development Directorate within 20 business days of the date of the letter advising of the prequalification decision. The request for appeal must contain full details of the reasons for the request together with any additional information upon which the consultant wishes to rely.

- 6.15 The appeal will be considered by a person appointed by the Territory (who may be an employee of the Territory). The person appointed must not be the original assessor or delegate.
- 6.16 The person appointed to consider the appeal will review the original decision and may also consider new/additional information. They will also determine, in their absolute discretion, how they will consider the appeal. The person appointed to consider the appeal will provide written reasons for his or her decision within 20 business days of making their decision.
- 6.17 The decision of the person appointed to consider the appeal will be final and binding on both the Territory and the appellant/consultant.

Impact on existing contracts

- 6.18 The imposition of a Sanction may impact on consultant's obligations in respect of existing contracts with the Territory. The terms of those contracts should be considered to determine the obligations of the parties.

7. No Guarantee of Work

- 7.1 The Territory does not guarantee, warrant or otherwise represent that any business or a minimum value of business will be contracted to or earned or received by any prequalified consultant. Prequalification only determines a consultant's eligibility to participate in a relevant Procurement Process. A consultant may also be required to comply with other requirements as part of that Procurement Process, for example meeting specified Territory legislative, regulatory or contractual requirements.
- 7.2 Territory procurement legislation, principles and policies, including value for money, are applied in the evaluation and selection of consultants as set out in the procurement documentation referable to a Procurement Process and Territory laws.

8. Other matters

An Applicant and any prequalified consultant must not use any information relating to its prequalification status or contract performance in its advertising or promotional material or publish such information in any form without the express written consent of the Territory.

9. Contacts for Further Information

For detailed information regarding implementation of the Scheme and assistance with your application you should contact:

Prequalification Registrar
Procurement ACT
PO Box 518
CANBERRA CITY ACT 2601

Level 2, Nature Conservation
House
Cnr Benjamin Way and Emu Bank
BELCONNEN ACT 2617

Telephone: (02) 6207 7154,
Facsimile: (02) 6207 5574
Website: www.procurement.act.gov.au

Appendix 1 – Prequalification Process Flow Chart

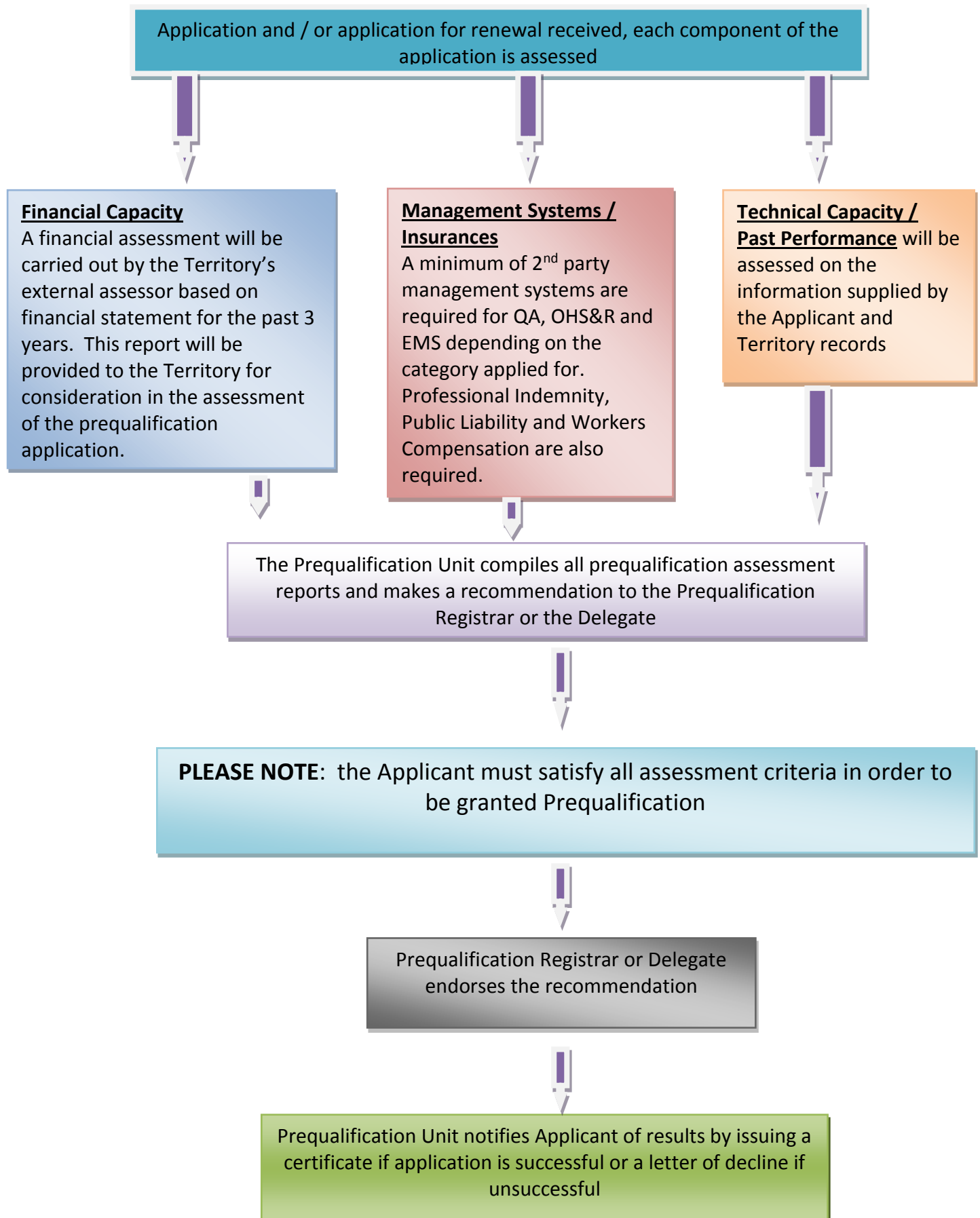


Table 1 -

Prequalification Category Descriptors for Consultants

CATEGORY CODE	CATEGORY DESCRIPTOR	CATEGORY CODE	CATEGORY DESCRIPTOR
CA	Consultant – architectural services with superintendence (includes CA-D)	CQS	Consultant – quantity surveying services (includes CQS-D)
CA-D	Consultant – architectural design services	DC	Design and construct contracting services
CE	Consultant – engineering services with superintendence (includes CE-D)	DDC	Development, design and construct contracting services
CE-D	Consultant – engineering design services	PM	Project management services (inclusive of construction management services)
CEV	Consultant – environmental services with superintendence (includes CEV-D)	MC	Managing Contractor (applies to specified project delivery of approximately \$30 m and above)
CEV-D	Consultant – environmental design services	CS	Consultant – study services (not associated with detailed design)
CLA	Consultant – landscape architectural services with superintendence (includes CLA-D)	C-CA	Consultant Construction Administrator with Superintendence
CLA-D	Consultant – landscape architectural design services		
<p>The above codes will be shown on a Prequalification Certificate as confirmation of the Category(s) for which the consultant has prequalification status. A consultant may be granted prequalification in more than one Category. The Category Codes against which a respondent must hold prequalification will be identified in a Procurement Process.</p>			

Table 2 – Consultant Qualifications, Licencing, Management Systems & Financial Requirements

Category Code	Minimum Technical Requirements	Specific Requirements	Quality Management System (QMS)	Environmental Management System (EMS)	Occupational Health Safety and Rehabilitation (OHS&R)
CA Consultant architectural services	1 professionally qualified architect (as provider of architectural services with superintendency and design roles, includes CA-D)	Registered with the ACT Architects Board. Interstate based firms must activate reciprocal arrangements, plus membership of or eligibility for membership with the Australian Institute of Project Management.	ACT Second Party or Third Party certificate	ACT Second Party or Third Party certificate	ACT Second Party or Third Party certificate
CA-D Consultant architectural design services	1 professionally qualified architect (with design only role)	Registered with the ACT Architects Board. Inter-state based firms must activate reciprocal arrangements.	ACT Second Party or Third Party certificate	No	No
CE Consultant engineering services with Superintendence (includes CE-D)	1 professionally qualified engineer (as provider of engineering services with superintendency and design roles includes CE-D)	Registration with the Institute of Engineers Australia, plus membership of or eligibility for membership with the Australian Institute of Project Management.	ACT Second Party or Third Party certificate	ACT Second Party or Third Party certificate	ACT Second Party or Third Party certificate
CE-D Consultant Engineering design services	1 professionally qualified engineer (with design only role)	Registration in the National Register of Engineers.	ACT Second Party or Third Party certificate	No	NO
CEV Consultant environmental services with superintendence (includes CEV-D)	1 professionally qualified environmental engineer (as provider of environmental services with superintendency and design roles includes CEV-D)	Registration with the relevant professional Institute, plus Bachelor in Engineering (Environmental Engineering) or equivalent, plus membership of or eligibility for membership with the Australian Institute of Project Management	ACT Second Party or Third Party certificate	ACT Second Party or Third Party certificate	ACT Second Party or Third Party certificate

Category Code	Minimum Technical Requirements	Specific Requirements	Quality Management System (QMS)	Environmental Management System (EMS)	Occupational Health Safety and Rehabilitation (OHS&R)
CEV-D Consultant environmental design services	1 professionally qualified environmental engineer (with design only role))	Registration with the relevant professional Institute, plus Bachelor in Engineering (Environmental Engineering) or equivalent	ACT Second Party or Third Party certificate	No	No
CLA Consultant landscape architectural services with superintendence (includes CLA-D)	1 professionally qualified landscape architect (as provider of landscape architectural services with superintendency and design roles includes CLA-D)	Registered with the Australian Institute of Landscape Architects (AILA) and/or Registration with the ACT Chapter of AILA, plus membership of or eligibility for membership with the Australian Institute of Project Management	ACT Second Party or Third Party certificate	ACT Second Party or Third Party certificate	ACT Second Party or Third Party certificate
CLA-D Consultant landscape architectural design services	1 professionally qualified landscape architect (with design only role)	Registered with the Australian Institute of Landscape Architects (AILA). Registration with the ACT Chapter of AILA.	ACT Second Party or Third Party certificate	No	No
CQS Consultant quantity surveying services	1 building science degree in quantity surveying	Registration with the Australian Institute of Quantity Surveyors (includes continuing professional development)	ACT Second Party or Third Party certificate	No	No
DC Design and construction consulting services	1 professionally qualified architect, landscape architect or engineer with project management qualifications, plus 1 business management/commerce degree	1 x 'A' Class Builders Licence, plus membership of or eligibility for membership with the Australian Institute of Project Management. Final design and documentation novation can allow the prescribed listed professionals to be waived.	ACT Second Party or Third Party certificate	ACT Second Party or Third Party certificate	ACT Second Party or Third Party certificate
DDC Design, document and construct services	1 professionally qualified architect, landscape architect or engineer with project management qualifications, plus 1 business management degree	1 x 'A' Class Builders Licence, plus membership of or eligibility for membership with the Australian Institute of Project Management. Final development and design documentation novation can allow the prescribed listed professionals to be waived.	ACT Second Party or Third Party certificate	ACT Second Party or Third Party certificate	ACT Second Party or Third Party certificate

Category Code	Minimum Technical Requirements	Specific Requirements	Quality Management System (QMS)	Environmental Management System (EMS)	Occupational Health Safety and Rehabilitation (OHS&R)
Category Code	Minimum Technical Requirements	Specific Requirements	Quality Management System (QMS)	Environmental Management System (EMS)	Occupational Health Safety and Rehabilitation (OHS&R)
PM Project Management Services	1 building science degree, or professional qualification in a building discipline	1 x 'A' Class Builders Licence, plus membership of or eligibility for membership with the Australian Institute of Project Management	ACT Second Party or Third Party certificate	ACT Second Party or Third Party certificate	ACT Second Party or Third Party certificate
MC Managing Contractor (applies to specified project delivery of approximately \$30 m and above -	1 building science degree, or professional qualification in a building discipline to manage design, development and construction of projects > \$30 million, plus 1 business management/commerce degree	1 x 'A' Class Builders Licence plus membership of or eligibility for membership with the Australian Institute of Project Management	ACT Second Party or Third Party certificate	ACT Second Party or Third Party certificate	ACT Second Party or Third Party certificate
CS Consultant study services (not associated with detailed design)	1 professionally qualified practitioner in the provision of consultancy services	Registration with a state or territory institute or association and / or board responsible for accreditation of a specific profession.	ACT Second Party or Third Party certificate	No	No
C-CA Consultant Construction Administrator with Superintendence	1 x professionally qualified engineer or 1 x professionally qualified architect or 1 x qualified person to Level 5 of the Australian National Training Authority's Competency Standards for Project Management or demonstrated equivalent	Registered with the ACT Architects Board. Interstate based firms must activate reciprocal arrangements, plus membership of or eligibility for membership with the Australian Institute of Project Management (AIPM) OR Registration with the Institute of Engineers Australia, plus membership of or eligibility for membership with the Australian Institute of Project Management OR	ACT Second Party or Third Party certificate	ACT Second Party or Third Party certificate	ACT Second Party or Third Party certificate

Category Code	Minimum Technical Requirements	Specific Requirements	Quality Management System (QMS)	Environmental Management System (EMS)	Occupational Health Safety and Rehabilitation (OHS&R)
		<p>Membership with the Australian Institute of Project Management with certification as a Registered Certified Practising Project Director (CPPD) OR similar qualification AND Extensive demonstrated knowledge of or experience in the suite of Territory Conditions of Tender and Contract detailed at www.procurement.act.gov.au.</p>			

Note: applicant licences, accreditations, technical qualifications and nominated project references are checked