



ACT
Government

Chief Minister, Treasury and
Economic Development

PREQUALIFICATION

OF CONSTRUCTION INDUSTRY

FOOTPATH CONTRACTORS



GUIDELINES FOR APPLICANTS

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1. Information and Background

This information is provided for road maintenance and road building suppliers interested in offering their services to ACT Government agencies as footpath contractors.

Procurement ACT will maintain a Register of prequalified footpath contractors. This Register is available on the Procurement ACT website at <https://www.procurement.act.gov.au/prequalification>.

ACT Directorates, in consultation with Procurement ACT will undertake procurement activities for these works in accordance with the *Government Procurement Act 2001* and Procurement Circulars.

Prequalification of footpath contractors is consistent with the general prequalification of construction industry contractors under the ACT Government Scheme that has operated since 1993. The main Scheme objectives are:

- (a) implement good risk management practices to minimise the risk to both the Territory and subcontractors associated with a company's poor performance and/or financial failure;
- (b) promote environmentally sustainable practices in the construction industry; and
- (c) encourage efficiencies in tendering processes to make it easier for firms to do business with the ACT Government.

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

2. Procurement Process for Footpath Contractors

A range of ACT Directorates* may invite tenders from prequalified footpath contractors.

Agencies will obtain the best value for money in accordance with the quotation and tender threshold requirements of the [Government Procurement Regulation 2007](#).

Prequalification is not to be construed as a guarantee of work.

** Note: typical ACT directorates tendering for footpath works include Transport Canberra and City Services Directorate, Canberra Health Directorate, Education Directorate and Chief Minister, Treasury and Economic Development Directorate.*

3. Explanation of general eligibility prequalification criteria

The awarding of prequalification certification is assessed on the following threshold criteria:

(a) **Insurances**

All footpath contractors will require public liability (generally not less than \$10 m) and workers compensation policies. Other insurances may also be necessary. Evidence of insurances must be submitted with application.

(b) **Technical Capacity**

Technical capacity is broadly defined as having recent previous experience as a footpath contractor, or in related construction fields.

To meet these requirements, the contractor must provide information that demonstrates expertise or specialisation past experience, staffing levels, management and administration capabilities which includes the use of sub-contractors and consultants, plant and equipment resources.

Evidence of relevant and current licences applicable for this prequalification category to practice in the Australian Capital Territory is also to accompany this Application.

(c) **Quality / Occupational Health Safety & Rehabilitation / Environmental / Traffic Management Plans**

Applicants will need to demonstrate an understanding of these plans by including recent examples with their application.

(d) **Australia Procurement and Construction Council (APCC) National Code of Practice for the Construction Industry (Code)**

Applicants need to acknowledge general compliance with the principles of the Code.

The Code is applicable to the activities of both the applicant seeking prequalification and the client Directorate (or their agent) representing the Territory.

The Code and associated documents can be downloaded from www.apcc.gov.au.

4. Prequalification Validity

Prequalification periods will generally be for a nominal period of twelve (12) months and renewal shall be in accordance with requirements that are in force at the time of renewal.

Prequalification of contractors is required to be in place **at the close of invitations / tenders**. Normal assessment processes are applied after the close of invitations / tenders.

5. Industrial Relations and Employment Strategy (Strategy)/Secure Local Jobs Code

- Applicants will be required to hold an IRE or Secure Local Jobs Code (SLJC) Certificate issued in accordance with the IRE/SLJC Strategy prior to being granted Prequalification. Information on how Applicants can apply for an:
- IRE certificate is available at https://www.procurement.act.gov.au/prequalification/industrial_relations_and_employment_obligations ; or
- SLJC certificate is available at <https://www.procurement.act.gov.au/securelocaljobs/apply> .

Applicants are required to retain an IRE or Secure Local Jobs Code certificate issued in accordance with the IRE/SLJC Strategy while they are prequalified.

6. Notification and Appeals

The Prequalification Registrar issues advice notifying all applicants whether or not they have been successful. Prequalification can be withdrawn at any time on it becoming 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 Procurement ACT, Chief Minister, Treasury and Economic Development 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.

- (a) The Executive Director of Procurement ACT will consider the appeal in conjunction with a suitable panel and determine whether or not the appeal is to be upheld or rejected.
- (b) 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 this 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 agencies 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 agencies for the purpose of monitoring contract performance and to determine continued eligibility for prequalification.

Prequalified suppliers' details will be notified on Procurement ACT's website www.procurement.act.gov.au.

8. Contact for Further Information

Prequalification Team
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Nature Conservation House, Corner of Benjamin Way and Emu Bank,
BELCONNEN ACT 2617
PO Box 158, CANBERRA ACT 2601
Telephone (02) 6207 7154
Facsimile (02) 6207 5574
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