

OFFICIAL



Government
of South Australia

Department for Infrastructure and Transport

Application Guidelines

**Preferred Supply Arrangement Estimating, Scheduling and
Constructability (PSAESC)**

20C073

**CONTACT FOR FURTHER
INFORMATION**

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APPLICATIONS VIA PSAESC MAILBOX

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1 INTRODUCTION

1.1 Guidelines

Companies wishing to be part of 20C073 – Preferred Supply Arrangement Estimating, Scheduling and Constructability (the PSAESC) are invited by the Department for Infrastructure and Transport (the Department) to submit an Application in accordance with these Guidelines (the Application).

To be eligible, Applicants must be able to demonstrate the appropriate skills and experience pertaining to the provision of estimating, scheduling and constructability services for the Minister for Infrastructure and Transport (the Principal).

The submission must contain all information requested in the Application otherwise the Application will not be accepted.

Following the initial establishment of the PSAESC and its suppliers, new applications will be sought and assessed on an annual basis through an open invitation process.

Approval of an Application does not represent a guarantee of work and no representations made by the Principal guarantee the amount of work over the term.

Any future services sought under the PSAESC will be in accordance with the Terms and Conditions (refer Attachment 1 of Appendix 1: Application Form) which, for some work packages, will require the execution of a Letter of Award should a Member of the PSAESC be awarded work.

The Principal may amend or add to the information in these Guidelines or the Application at any time.

1.2 Accuracy of Guidelines

The Principal makes no promise or representation that any factual information supplied in or in connection with your participation in the PSAESC or Guidelines are accurate.

Information is provided in good faith and the Principal will not be liable for any omission from these Guidelines.

1.3 Your use of these Guidelines

Without the express prior written consent of the Principal, you must not re-produce, re-advertise and/or in any way use the contents of these Guidelines either in whole or in part, other than for the purpose of preparing and lodging an Application.

1.4 Procurement Process does not create a contract

Your Application is at your sole risk.

Nothing in these Guidelines, or your Application must be construed as creating any binding contract or other legal relationship (express or implied) between you and the Principal.

An Applicant's participation in the PSAESC is non-exclusive.

Nothing in these Guidelines shall prevent or prohibit or be construed as preventing or prohibiting the Principal from seeking services or materials from any other company, if the Principal so wishes.

2 YOUR APPLICATION TO THE PSAESC

2.1 Format of Application

Your Application must:

- a) be in English;
- b) be endorsed by an appropriately authorised officer;
- c) observe any specified word or page limits. The Principal reserves the right to disregard any part(s) of your Application that exceeds any specified word or limits;
- d) be concise and only provide what is sufficient to present a complete and effective response; and
- e) be in the requested format as specified within in Appendix 1 and Appendix 2 of these Guidelines.

The Principal may disregard any content in an Application that is illegible.

2.2 Application Categories

Applications are invited from companies who are experienced in the provision of estimating and scheduling services for the following Service Categories:

				Service Category Designation					
				R	B	HR	LR	M	O
Service Category Tiers	Tier Description	Discipline	Tier Designation	Road Infrastructure	Bridge Infrastructure	Heavy Rail Infrastructure	Light Rail Infrastructure	Marine Infrastructure	Other
TIER A	High Value / High Risk Infrastructure (>\$100 million).	Estimating	AE	AER	AEB	AEHR	AELR	AEM	AEO
		Scheduling	AS	ASR	ASB	ASHR	ASLR	ASM	ASO
		Constructability	AC	ACR	ACB	ACHR	ACLR	ACM	ACO
TIER B	Major through to Significant Value Infrastructure (> \$15 million < \$100 million).	Estimating	BE	BER	BEB	BEHR	BELR	BEM	BEO
		Scheduling	BS	BSR	BSB	BSHR	BSLR	BSM	BSO
		Constructability	BC	BCR	BCB	BCHR	BCLR	BCM	BCO
TIER C	Standard Value Infrastructure (< \$15 million)	Estimating	CE	CER	CEB	CEHR	CELR	CEM	CEO
		Scheduling	CS	CSR	CSB	CSHR	CSLR	CSM	CSO
		Constructability	CC	CCR	CCB	CCHR	CCLR	CCM	CCO

2.3 Application

Your Application must include responses to the following completed mandatory criteria. Responses to these criteria are provided through the completion of the Application Form (Appendix 1) and Application Schedules (Appendix 2).

1. Applicant Information and Conflict of Interest Declaration
2. Compliance;
3. Insurances;
4. Application Requirements;
5. Statement of Intent for Industry Participation Plan; and
6. Registration with Tenders SA.

Please note, as part of the Application you are agreeing to the Contract Terms and Conditions as provided in Attachment 1 (refer Attachment 1 of Appendix 1: Application Form). No further negotiation will be entered into during any stage of the PSAESC unless the Principal alters these Terms and Conditions including where this occurs for a specific Work Order Request.

For specific PSAESC engagements where the Department wishes to accept your offer, this will occur either by a Letter of Award that must be signed by both parties, or where the Letter of Award is issued via email, the provision of a Purchase Order number.

No contractual relationship exists until the Letter of Award is executed by the last party or a Purchase Order number has been issued.

You are responsible for the cost of preparing and submitting your Application and all other costs arising from your participation in the PSAESC.

Your Application must be submitted to PSAESC mailbox, DIT.PSAESC@sa.gov.au.

2.4 Validity

By lodging an Application you agree that the Application will remain open for acceptance by the Principal for 120 days from the Application closing date.

2.5 Timeframes

Overall the PSAESC is for a term up to 60 months subject to the Principal's discretion. For new applicants which are successful in being appointed to the PSAESC following its initial establishment a lesser term which aligns with the completion date of the original agreement is applicable.

2.6 Principal's Use of Your Application Materials

Upon lodgement, your Application will become the property of the Principal.

Intellectual Property owned by you or any third parties forming part of the Application will not pass to the Principal with the physical property comprising only the Application materials.

However, you acknowledge and agree that you have the authority to grant to the Principal an irrevocable, royalty free licence to use, reproduce and circulate any copyright material contained in the Application to the extent necessary to conduct the evaluation and in the preparation of any resultant contract.

3 CONSORTIA AND SUB-CONTRACTING FOR THE APPLICATION

3.1 Consortia

If you are a member of a consortium then your Application must stipulate which part(s) of these Guidelines that each entity comprising the consortium would provide and how the entities would relate with each other to ensure full provision of the Guidelines. All consortium members that are not natural persons are to provide details relating to their legal nature and any relevant corporate structure.

The Principal will treat you as the preferred contact person for any consortium Application.

3.2 Sub-contracting

If your Application relies on a sub-contracting arrangement, then you must stipulate in your Application the tasks that the proposed sub-contractor(s) would undertake. You remain legally responsible for meeting the PSAESC Application Guidelines in all respects both during the Application Process and during any resultant contractual relationship with the Principal.

4 APPLICATION PROCUREMENT PROCESS CONDUCT

4.1 Your Conduct

Relative to your current Application and any services that you may provide as part of the PSAESC, you must:

- a) Ensure all communications are undertaken via the contact person;
- b) Declare any actual or potential conflict of interest;
- c) Not employ or engage the services of any person who has a duty to the Principal as an adviser, consultant or employee (or former adviser, consultant or employee);
- d) Not apply any incentive to, or otherwise attempt to influence, any employee of the Principal or any member of an evaluation team at any time;
- e) Not engage in any collusive or anti-competitive conduct with any supplier or Applicant under these Guidelines;
- f) Comply with all laws in force in South Australia applicable to the PSAESC;
- g) Disclose whether you are acting as agent, nominee or jointly with another person(s) and disclose the identity of the other person(s);
- h) Not issue any news releases or responses to media enquiries and questions regarding these guidelines or any work undertaken as part of the PSAESC without the Principal's written approval; and
- i) At all times conduct yourself in a manner that does not invite, directly or indirectly, the Principal's officers, employees or agents or any public sector employee (as defined in the Public Sector Act 2009 (SA)) to behave unethically, to prefer private interests over the Principal's interests or to otherwise contravene the Code of Ethics for the South Australian Public Sector. In addition, as a PSAESC Member, your own actions or those of anyone representing your organisation, are also required to behave in accordance with this Code of Ethics.

If you act contrary to the expectations outlined above, the Principal reserves the right (regardless of any subsequent dealings) to exclude your organisation from further consideration in both the initial Application process and/or for any future work requests.

4.2 Principal Conduct

The Principal will:

- a) Preserve the confidentiality of any information marked as confidential (subject to conditions concerning confidentiality); and
- b) Give all Applicants under the PSAESC the opportunity to compete fairly.

4.3 Confidentiality

You must identify any aspect of your Application that you consider should be kept confidential including reasons. The Principal is not obliged to treat information as confidential and in the absence of any agreement to do so, you acknowledge that the Principal has the right to publicly disclose the information.

Any condition in your Application that seeks to prohibit or restrict the Principal's right to disclose will not be accepted.

Notwithstanding any undertaking regarding confidentiality, by submitting an Application, you agree that the Principal may forward information relating to you or your Application to the Australian Competition and Consumer Commission (ACCC) if the Principal reasonably suspects, or is notified by the ACCC that it reasonably suspects, that there is cartel conduct or unlawful collusion in relation to your participation in the PSAESC (whether or not the suspicion relates to your Application).

Information supplied by or on behalf of the Principal is confidential to the Principal and you are obliged to maintain its confidentiality. You may disclose confidential information to any person that has a need to know the information for the purposes of submitting your Application.

5 APPLICATION EVALUATION PROCESS

5.1 Mandatory Criteria

The Department will review your Application against the following mandatory criteria. Where the requirements of all of these criteria have not been met, no further assessment of your Application will be undertaken.

Responses for each of these criteria are to be provided within the relevant sections of Appendix 1: Application Form and Appendix 2: Application Schedules.

Table 5.1 – Mandatory assessment criteria for the PSAESC.

Criteria	Requirement
Application Information and Conflict of Interest Declaration.	Mandatory
Compliance with the proposed 20C073 Preferred Supply Arrangement Estimating and Scheduling Terms and Conditions outlined in Appendix 1, Attachment 1 without any further amendment.	Mandatory
Certificate of Currency for Public/Product liability insurance to \$10 million. Certificate of Currency for Professional Indemnity Insurance to \$1 million. ReturnToWorkSA Certificate of Workers Compensation or equivalent for Applicants based interstate.	Mandatory
Application Schedules, Appendix 1 and Appendix 2. Including provision of the requested sections of Appendix 2 in Microsoft Excel format (unless otherwise noted).	Mandatory
Industry Participation Plan – Statement of Intent.	Mandatory
Registration with Tenders SA.	Mandatory

5.2 Evaluation Criteria

Applications will be assessed against the following criteria.

Table 5.2 – Non-Price and Price assessment criteria for the PSAESC.

Non-Price Criteria	Weighting
<p><u>Company Experience and Capability</u> By providing at least five examples from the last four years for each category to which the application relates, provide details to demonstrate the recent and relevant project experience offered by your organisation.</p> <p><i>Applicants are required to demonstrate a broad range of experience by way of varied project types, procurement methods and roles. Primarily the assessment of this criteria will be undertaken relative to the highest valued Category/Categories for which an application is being made, however example information must be provided for all applicable categories.</i></p>	25%
<p><u>Team Experience and Capability</u> By providing examples linked to those provided for Company Experience and Capability, demonstrate the recent and relevant experience offered by the team members of your organisation which are available for use in the PSAESC.</p> <p><i>Applicants are required to generally link these examples with those provided for Company Experience and Capability across a range of project types. Primarily the assessment of this criteria will be undertaken relative to the highest valued Category/Categories for which an application is being made.</i></p>	25%
<p><u>Approach and Methodology</u> Describe the approach and methodology used by your organisation for the preparation of estimates and/or schedules and/or constructability assessments for the Department or similar organisations, including your approach to ensuring considerations such as site constraints, staging of the work and project risks (including cost and/or schedule risk assessment).</p>	15%
<p><u>Quality Systems</u> Provide details of the systems and tools used by your organisation to ensure the provision of accurate and thorough deliverables for the Department or similar organisations, specifically detailing the systems used to measure, address, and manage issues arising relating quality control.</p>	10%
<p><u>Notional Price</u> <i>Applicants are required to note that a Notional Price will be calculated by the Department based on the hourly rates applicable to the Personnel Categories – a Notional Price is not required to be provided by Applicants.</i></p>	25%
Total	100%

In evaluating Applications, the Principal will consider:

- a) The provision of and compliance with the mandatory criteria;
- b) The Evaluation Criteria;
- c) The hourly rates of nominated staff provided in the Application;
- d) Compliance with applicable Government Policies; and

- e) Any other information that the Principal considers relevant.

Where mandatory criteria are specified (including the formats in which information is to be supplied) and your Application does not comply with these criteria the Principal may choose not to further evaluate your Application.

The Principal may in its absolute discretion (but is not obliged to):

- a) Take into account any relevant consideration when evaluating Applications;
- b) Invite any person or entity to lodge an Application;
- c) Allow a Member under the PSAESC to change its Application;
- d) Consider, decline to consider, or accept (at the Principal's sole discretion) an Application lodged other than in accordance with these Guidelines;
- e) Seek further information from you regarding your Application including but not limited to requests for additional information or presentations by, or interviews with you and/or your key personnel;
- f) Suspend or terminate the PSAESC;
- g) Make enquiries of any person or entity to obtain information about any Member under the PSAESC and its Application (including but not limited to the referees); and
- h) Visit facilities operated by any Member under the PSAESC, proposed subcontractors of any Member under the PSAESC and/or by their customers to assess their capabilities and performance (at a mutually convenient time).

5.3 Negotiation

The Principal may choose to:

- a) Enter into negotiations with you or any Applicant under the PSAESC (including parallel negotiations with more than one Member under the PSAESC) in order to vary its Application on grounds of capability/capacity, available staff, technical issues, cost, effectiveness, to finalise agreement on the Contract Terms and Conditions, or any other matters;
- b) Re-evaluate Applications generally after any negotiation;
- c) Suspend, discontinue or terminate at any time negotiations with you or any Member under the PSAESC or any other person or organisation;
- d) Negotiate with you or any Member under the PSAESC for the provision of any part of the Guidelines and negotiate with any other Member under the PSAESC with respect to the same or other parts of the Guidelines and to enter into one or more contracts for part or parts of the Guidelines;
- e) Negotiate at any time with any organisation that is not a Member under the PSAESC and enter into a contract in relation to the Guidelines or any part of the Guidelines with that organisation on such terms as the Principal, at its absolute discretion, considers appropriate; and
- f) Seek best and final Applications from all or some of the Members under the PSAESC. Irrespective of the Principal's right to negotiate and/or seek a best and final Application, you are bound by your Application, and if selected, you must be willing to enter into a contract on the basis of your Application.

5.4 Acceptance to the PSAESC

If accepted to join the PSAESC you will be notified of this in writing and your company name, along with the service categories for which your organisation has been accepted to provide services for, will appear on the PSAESC register published on the Principal's website.

5.5 Review of Ongoing Compliance

At any time, the Principal may request you to provide evidence of your ongoing compliance to the requirements under which your Application to the PSAESC was granted.

Within 7 days of such request you shall provide the required information.

Your failure to provide all the required information within 7 days will result in you being removed from the PSAESC (at the sole discretion of the Principal).

5.6 Performance

Revocation of Applicant Status

An Applicant will be removed from the PSAESC (at the Principal's discretion), if the Applicant:

- a) Does not respond to a Work Order Request in any 12 month period having been issued at least three requests in that 12 month period; or
- b) Fails to demonstrate their ability to meet the minimum assessment requirements for their appointed service categories due to staff changes. For staff nominated at the Principal/Director/Specialist AND Senior Civil Estimator / Quantity Surveyor / Scheduler/ Constructability Assessor classification you are required to notify the Principal in writing of any staff changes within one calendar month of this change.

Performance Review

Upon completion, each Work Order Request will be assessed against a range of time, cost and quality factors relating to the performance of the relevant Member. The outcome of these assessments will be taken into consideration during subsequent secondary procurement processes.

At the Principal's discretion you may not be offered work under the PSAESC if you demonstrate poor performance.

The Principal may, in its absolute discretion, consider your performance against Key Performance Indicators in previous or other agreements with the Principal when allocating Work Order Requests to you.

The Principal may, in its absolute discretion and without limiting this clause 5.6, consider your current workload and availability to supply the services by the nominated completion date when determining the allocation of Work Order Requests.

6 SECONDARY PROCUREMENT PROCESS

6.1 General

Upon establishment of the PSAESC, the Principal may seek responses to Work Order Requests from Members relative to the categories for which they have been appointed to the PSAESC.

A Job will be identified and released in a Work Order Request to one or more Members based on the:

- a) Service Categories for which they have been appointed to the PSAESC;
- b) Anticipated value of the services;
- c) Experience offered; and
- d) Anticipated value for money along with a range of time, cost and quality actors relating to any previous engagements.

6.2 Work Order Request

For each Job under the PSAESC, the Principal will release a Work Order Request. The content and method of response required by the respondent will vary depending on the anticipated value of the procurement.

A Job requested under a Work Order Request is based on the unamended Contract Terms and Conditions agreed by you in the Application stage. No negotiation or changes to these Terms and Conditions requested by the Member will be accepted by the Principal during any secondary procurement process.

The number of Members for each Work Order Request will be selected at the Principal's sole discretion.

All Work Order Requests must comply with the Department's [Conditions of Tendering](#).

6.3 Work Order Pricing

If requested, each Member will provide a Work Order Offer within the time specified in the Work Order Request.

All Work Order Offers shall be returned to the address stated on the Work Order Request. It is anticipated that this will be either the Principal's dedicated PSAESC email address (DIT.PSAESC@sa.gov.au) or SA Tenders. Only the secure email shall be used for submission where specified, otherwise the submission shall be deemed as "non-compliant" and set aside from further evaluation.

Where a Work Order Offer is requested, it must be in the format provided in the Principal's Work Order Request and shall not include any other documents or schedules not requested in the Work Order Request. Information that exceeds specified page limits, along with additional documents or schedules provided with a Work Order Offer will not be considered and may lead to the Work Order Offer being non-conforming and set aside from further evaluation.

Late submissions will not be considered.

6.4 Work Order Offer Evaluation

Unless otherwise advised by the Principal as part of the Work Order Request, the assessment of lower valued procurements will primarily relate to the nominated staff along with the proposed hours, overall fee and ability to complete the requested works within the required timeframe.

For all other procurements specific criteria will be developed as the basis of seeking Work Order Offers, with assessment weightings against each of the criteria applied at the Principal's discretion and disclosed to Members when Work Order Offers are sought. These Work Order Offers will be evaluated using the Matrix method.

6.5 Award

Upon completion of the Work Order Offer evaluation for lower valued procurements, if a Job is awarded by the Principal, this will typically occur via the Principal's dedicated PSAESC email address (DIT.PSAESC@sa.gov.au). For higher valued procurements, if a Job is to be awarded by the Principal, a Letter of Award will be issued to the preferred Member. Nothing provided by the Principal prior to this email or Letter of Award will constitute an acceptance by the Principal of a Work Order Offer or give rise to a contractual obligation.

This email or Letter of Award will comprise the formal instrument of agreement between the Principal and the Member for the Job.

Where a Letter of Award is issued, the preferred Member must sign and return the Letter of Award to the Principal's Representative and upon execution by both parties will form a contractual relationship between the parties to undertake the Job for that Work Order only.

6.6 Performance Evaluation

The Principal's Representative will review and evaluate completed Work Orders against a range of time, cost, and quality factors. At the discretion of the Principals Representative, broad feedback may be provided to the relevant Member to present any issues, concerns or areas for improvement.

The results of these evaluations will be taken into consideration when allocating future Work Orders Requests in accordance with Section 6.1 of these Guidelines.

The Principal's Representative may evaluate and review Member performance and quality of work at any stage during the PSAESC.

6.7 Financial Checks

A financial viability assessment may be required to be undertaken for any of the Applicants prior to the establishment of the PSAESC and an assessment may then be undertaken as a minimum, once per calendar year thereafter in accordance with the Department's Procedure PR236 Financial Assessment of Companies.

Should the financial viability assessment show the Applicant is not financially capable of undertaking work in its selected category, the Principal may reduce the Applicant's categories or not accept that Application.

7 GOVERNMENT POLICIES

South Australian Government policies apply to all South Australian Government purchasing and related activities.

7.1 Employment of Ex-Government Employees

Unless an exemption has been granted by the Treasurer, the Principal will not accept the services of any former public sector employee, either directly or through a third party, for a period that corresponds with the number of weeks of a targeted voluntary separation package received from the South Australian Government, where such engagement may breach the conditions under which the separation package was paid to the former public sector employee.

7.2 Disclosure of Government Contracts

If a contract is entered into, the Principal may disclose that contract and/or information in relation to it in either printed or electronic form and either generally to the public or to a particular person as a result of a specific request.

APPENDIX 1 – APPLICATION FORM (INCLUDING TERMS AND CONDITIONS)

Note: This appendix will only be issued as a result of a request for further information as detailed on the first page of this document.

APPENDIX 2 – APPLICATION SCHEDULES

Note: This appendix will only be issued as a result of a request for further information as detailed on the first page of this document.