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Government  
of South Australia

**Department for Infrastructure and Transport**

**Guidelines:**

**PREFERRED SUPPLY ARRANGEMENT**

**CIVIL AND BRIDGES**

**(PSA No. 20C951)**

**CONTACT FOR FURTHER  
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# 1 INTRODUCTION

## 1.1 Guidelines

Suppliers (Applicants) wishing to be part of PSA No. 20C951 – *Preferred Supply Arrangement Civil and Bridges* (PSACB) 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 prequalification appertaining to performing Civil and Bridge Works for the Commissioner of Highways (the Principal).

The submission must contain all information requested in the Application otherwise the Application may not be considered.

An Applicant may submit an Application at any time whilst the PSACB is open. If an Applicant's Application is unsuccessful, the Applicant may submit a new Application at any time.

If an Applicant's Application is approved, the Applicant will become a member of the PSACB (Member).

Membership of the PSACB does not guarantee that the Member will be awarded any Work by the Principal, nor are any representations or guarantees made by the Principal regarding the amount of Work that may be awarded to a Member over the term of the PSACB.

Any Work awarded under the PSACB will be in accordance with the GC21 Terms and Conditions (refer to Appendix 1) in conjunction with the execution of a Letter of Award (refer to Appendix 3).

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 the Guidelines, Application or in connection with your participation in the PSACB is accurate.

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

## 1.3 Your Use of 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 your Application.

## 1.4 Procurement Process does not create a Contract

Your Application is at your sole risk.

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

Your participation in the PSACB 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, whether prequalified for the PSACB or otherwise.

## 2 YOUR APPLICATION TO THE PSACB

### 2.1 Format of Application

Your Application must:

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

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

### 2.2 Application Categories

The PSACB is open to all suppliers who are currently accredited on the Department’s Prequalification for Transport Infrastructure Roadworks and Bridgeworks and the National Prequalification System (Prequalification). Further information about Prequalification can be found at [https://www.dit.sa.gov.au/contractor\\_documents/prequalification](https://www.dit.sa.gov.au/contractor_documents/prequalification).

The PSACB will be split into Categories 1, 2 and 3 and the relevant Prequalification scheme categories (i.e. Roadworks ("R") and Bridgeworks ("B")) as follows:

<u>Category 1 &lt;\$4 000 000 (GST inclusive)</u>	<u>Category 2 \$4 000 000 - \$15 000 000 (GST inclusive)</u>	<u>Category 3 &gt;\$15 000 000 (GST inclusive)</u>
Prequalification categories R1 and B1 or above, with minimum F1 rating.	Prequalification categories R2 and B2 or above, with minimum F5 rating.	Prequalification categories R3 and B3 or above, with minimum F25 rating.

If your Application for Category 3 is accepted, you will qualify for Category 1, 2 and 3.

If your Application for Category 2 is accepted, you will qualify for Category 1 and 2.

If your Application for Category 1 is accepted, you will only qualify for Category 1.

### 2.3 Application

You may only submit an Application for a category if you hold an appropriate Prequalification for that category.

Your Application must include the completed schedules and evidence set out in ‘Checklist for Application’ in Appendix 1 (the Application). Refer to Schedule 3: Application Requirements within the Application for further information.

As part of the Application, you are required to agree to the PSACB GC21 Terms and Conditions provided in Attachment 1 of the Application. The Principal may, in its absolute discretion, require changes for specific Work Order Request requirements.

If a Member is successful in being awarded Works following a secondary procurement process, those Works will be awarded by a Letter of Award. No site access will be granted unless the Letter of Award is fully executed and all other conditions precedent for site access have been satisfied.

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

An Applicant may submit an Application at any time whilst the PSACB is open for Applications. If an Applicant is unsuccessful in an Application, the Applicant may submit a new Application.

## **2.4 Validity**

By lodging an Application, you agree that the Application will remain open for acceptance by the Principal for 120 days from submission of the Application.

## **2.5 Timeframes**

The PSACB is for a term up to 36 months from the establishment date with the option of two (12) month extension terms subject to the Principal's discretion.

The period of notice to extend shall be six (6) months prior to the expiry of the then current term.

## **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 the Application materials. However, you acknowledge and agree that you have the authority to grant, and do so 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 the Contact Person listed in Schedule 1 of the completed Application as the preferred contact person for any consortium Application.

### **3.2 Sub-contracting**

You remain legally responsible for meeting the PSACB 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

You must:

- a) ensure all communications are undertaken via the DIT.PSACB mailbox;
- 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 this PSACB;
- g) disclose whether you are acting as agent, nominee or jointly with another person(s) and disclose the identity of the other person(s); and
- h) not issue any news releases or responses to media enquiries and questions regarding these guidelines without the Principal's written approval.

If you act contrary to the expectations outlined above, the Principal reserves the right (regardless of any subsequent dealings) to exclude your Application from further consideration.

### 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 PSACB the opportunity to compete fairly.

### 4.3 Confidentiality

You must identify any aspect of your Application that you consider should be kept confidential and provide 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 information 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 PSACB (whether or not the suspicion relates to your Application).

Information supplied by or on behalf of the Principal is confidential 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 Evaluation

You must meet all the mandatory criteria evaluation for qualification to be a member in the PSACB, as shown in tables 5.1 (Evaluation Criteria):

Table 5.1 – Mandatory criteria assessment for qualification to the PSACB

PSACB Mandatory Criteria	Category 1 Road and/or Bridge works  <\$4 000 000 GST incl.	Category 2 Road and/or Bridge works  \$4 000 000 <\$15 000 000 GST incl.	Category 3 Road and/or Bridge works  >\$15 000 000 GST incl.
<p>Hold a current Financial Rating with the Department</p> <p>Minimum “F” (Financial) Rating. Minimum rating for initial establishment, noting these will vary based on the financial value of the work order and risk of the procurement.</p> <p>(no evidence is required for submission with this Application<sup>1</sup>)</p>	F1	F5	F25
<p>Hold a current Roadworks and/or Bridgeworks Prequalification Rating with the Department</p> <p>Minimum “R” (Roadworks) and “B” (Bridgeworks) Rating.</p> <p>(no evidence is required for submission with this Application<sup>1</sup>)</p>	R1 / B1	R2 / B2	R3+ / B3+
<p>Provide Applicant Information</p> <p>Applicants must complete and return the attached Applicant Information (refer to Schedule 1) with their Application.</p>	Mandatory	Mandatory	Mandatory
<p>Industry Participation Plan Statement of Intent completed as part of the returnable schedules.</p> <p>Applicants must complete and return the attached Statement of Intent (refer to Schedule 5) with their Application.</p>	Mandatory	Mandatory	Mandatory



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<p>Compliance with the Australian Government Code for the Tendering and Performance of Building Work 2016 for any works containing Federal Government funding streams. Refer to further information provided in Schedule 4.</p> <p>Applicants must provide a completed Declaration of Compliance (refer to Schedule 6) with the Application.</p>	<p style="text-align: center;">Not Mandatory</p>	<p style="text-align: center;">Mandatory</p>	<p style="text-align: center;">Mandatory</p>
<p>Hold a current Australian Government Building and Construction Work Health and Safety (WHS) Accreditation Scheme. Refer to further information provided in Schedule 4.</p> <p>Applicants must provide evidence of the required accreditation in the form of a certificate or similar with the Application.</p>	<p style="text-align: center;">Not Mandatory</p>	<p style="text-align: center;">Preferred, Mandatory to tender for any Federally funded Projects</p>	<p style="text-align: center;">Mandatory</p>
<p>Licencing Requirements in accordance with the requirements of the Consumer and Business Services of SA:</p> <ul style="list-style-type: none"> <li>• Builders Licensing requirements to perform “<b>ANY BUILDING WORK</b>” which covers all building and civil construction works without restriction is <u>preferred</u>; OR</li> <li>• Builders Licensing requirements to perform “<b>CIVIL CONSTRUCTION</b>” which covers all civil work without restriction at a minimum.</li> </ul> <p>Applicants must provide evidence of the required license in the form of a certificate or similar with the Application.</p>	<p style="text-align: center;">Mandatory</p>	<p style="text-align: center;">Mandatory</p>	<p style="text-align: center;">Mandatory</p>
<p>Provision of company signed acceptance of the PSACB Terms and Conditions and Specifications.</p> <p>Applicants must return a signed copy of Schedule 2 with the Application.</p>	<p style="text-align: center;">Mandatory</p>	<p style="text-align: center;">Mandatory</p>	<p style="text-align: center;">Mandatory</p>
<p>Provide Kiteworks contact details.</p> <p>Applicants must return a completed Schedule 7 with the Application.</p>	<p style="text-align: center;">Mandatory</p>	<p style="text-align: center;">Mandatory</p>	<p style="text-align: center;">Mandatory</p>

<sup>1</sup> Applications will be reviewed against the Department’s current Roadworks and Bridgeworks prequalification for transport infrastructure at:  
[https://dit.sa.gov.au/data/assets/excel\\_doc/0006/584682/REGISTER Roadworks and Bridgeworks 5 November 2020.xlsx](https://dit.sa.gov.au/data/assets/excel_doc/0006/584682/REGISTER_Roadworks_and_Bridgeworks_5_November_2020.xlsx)

Where mandatory criteria are specified 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 PSACB 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 or your key personnel;
- f) seek and evaluate relevant financial viability data concerning your business and related entities including seeking any assistance from third party providers;
- g) suspend or terminate the PSACB;
- h) make enquiries of any person or entity to obtain information about you and your Application (including but not limited to the referees); and
- i) visit your facilities and your proposed subcontractor's facilities in order to assess your capabilities and performance (at a mutually convenient time), and you acknowledge that the Principal may seek to contact or visit your customers in order to assess your capabilities and performance.

## 5.2 Negotiation

The Principal may choose to:

- a) enter into negotiations with you or any Applicant under the PSACB (including parallel negotiations with more than one member under the PSACB) in order to vary an Application on grounds of capability/capacity, technical issues, cost, effectiveness, to finalise agreement on the terms of the contract, 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 PSACB or any other person or organisation;
- d) negotiate with you or any member under the PSACB for the provision of any part of the Guidelines and negotiate with any other member under the PSACB 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 PSACB 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 PSACB. 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.

### 5.3 Financial Checks

You may undergo a financial viability assessment as a minimum once per calendar year upon acceptance to the PSACB in accordance with the Department's Procedure PR236 Financial Assessment of Companies.

### 5.4 Acceptance to the PSACB

You will be notified in writing of your acceptance onto the PSACB and your entity name will appear on the PSACB register published on the Principal's website.

### 5.5 Review of Ongoing Compliance

At any time the Principal may request that you provide evidence of your ongoing compliance with the requirements under which your membership on the PSACB 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 may result in you being removed from the PSACB (at the sole discretion of the Principal).

### 5.6 Performance

#### Revocation of Applicant Status

A Member will be removed from the PSACB (at the Principal's discretion), if the Member:

- 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;
- b) fails to maintain the Prequalification under which the Member was granted acceptance on the PSACB; or
- c) fails a financial check as part of the Principal's Prequalification scheme.

### 5.7 Performance Review

A Member's performance will be measured at the completion of each Work Order (as a minimum) in accordance with the Department's Performance Rating - Major Works procedure. The results of the performance review may be used in the assessment of future Work Order Offers.

You may not be offered work under the PSACB (at the Principal's discretion) if you demonstrate poor performance through the Department's Performance Rating - Major Works procedure.

The Principal may, in its absolute discretion, consider your performance in previous agreements with the Principal when awarding Works to you.

The Principal may, in its absolute discretion and without limiting this clause 5.7, consider your current workload and availability to perform Works to the nominated completion date when awarding Works to you.

## **5.8 Updates to the GC21 Terms and Conditions and Contract Information**

From time to time, the Department may update the GC21 Terms and Conditions that appear on its website as well as the Contract Information that appears at Attachment 1 of the Application.

If this occurs, you will be notified in advance in writing of the changes and you will be provided with the opportunity to confirm whether you wish to remain a PSACB Member in light of the changes.

## 6 HOW TO WIN WORK

### 6.1 General

Upon establishment of the PSACB, Works will be identified and released via a secondary procurement process by the issuing of Work Order Requests to Members.

Work Order Requests will be released to PSACB Members based on their Category, scheme accreditation (e.g. roadworks and bridgeworks) and Financial Prequalification.

The type and number of projects released through the PSACB will be at the Principal's discretion.

In accordance with Section 2.2 above, packages will be released based on the following:

- for low risk and/or routine Work with an estimated Contract value up to \$4 000 000 (GST inclusive) a Work Order Request will be released to Category 1, Category 2 and Category 3 Members;
- for Work considered low to medium risk with an estimated Contract value greater than \$4 000 000 (GST inclusive) and less than \$15 000 000 (GST inclusive) the Work Order Request will be released to Category 2 and Category 3 Members; and
- for all Work with an estimated Contract value of greater than \$15 000 000 (GST inclusive) a Work Order Request will be released to Category 3 Members.

The Financial Prequalification for each Work Order will be nominated in the Work Order Request.

Meeting the Financial Prequalification threshold for entry into a Category of the PSACB does not guarantee that the Member will meet the Financial Prequalification requirement in a Work Order Request issued to Members of that Category. For example, a Work Order Request issued to Category 2 Members may require the Member to hold an F10 Financial Prequalification.

The appropriate Category level thresholds will be determined as follows:

Category	Financial Threshold (GST inclusive)	Complexity Rating	Prequalification		
			Financial	Roadworks	Bridgeworks
1	<\$4 million	Low	F1	R1	B1
2	<\$15 million	Low to Medium	F5	R2	B2
3	>\$15 million	Low to Medium	F25	R3+	B3+

At the Principal's sole discretion, Work may be requested as an individual project or a bundle of multiple projects. Locations will be both metro and rural covering the State of South Australia. Work may be required across a range of environments, some of which may require specific conditions of entry such as rail corridors, traditional owned lands (e.g. APY Lands) and active construction sites. You will be obligated to comply with all site entry prerequisites.

## 6.2 Work Order Request

For Work under the PSACB, the Principal will release a Work Order Request which may include, but will not be limited to:

- Contact details, submission details and closing time and date;
- Tender Form;
- Contract Information to the GC21 Terms and Conditions;
- The Principal's Documents including:
  - Functional and Operational Requirements (if a design and construct project)
  - Contract Scope document;
  - Appendices;
- Pricing schedules;
- Working Time; and
- IPP requirements.

An example of a Work Order template (incorporating a Work Order Request) is included in Appendix 2.

Work requested under a Work Order Request is based on the unamended PSACB GC21 Terms and Conditions agreed by you at the Application stage. No negotiation or changes to the GC21 Terms and Conditions requested by you during any subsequent stages will be considered by the Principal.

The number of Members issued with a Work Order Request will be selected at the Principal's sole discretion.

## 6.3 Work Order Offer

All Work Order Offers shall be submitted within the time specified in the Work Order Request via the SA Tenders and Contracts website (or as stated on the Work Order Request) unless otherwise advised by the Principal.

The Work Order Offer will 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. 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 may not be considered.

## 6.4 Work Order Offer Evaluation

The Work Order Offer will be evaluated using the Adjusted Comparative Pricing method.

The evaluation weightings for the PSACB are as follows:

- $x$  (price): 80%
- $y$  (non-price): 20%

A project specific evaluation plan will be developed for each Work Order Offer with targeted non-price criteria.

## 6.5 Award

Upon completion of the Work Order Offer evaluation, if Work is to be awarded by the Principal, a Letter of Award substantially in the form included in Appendix 3 will be issued to the preferred Member. Nothing provided by the Principal prior to this Letter of Award will constitute an acceptance by the Principal of a Work Order Offer or give rise to a contractual obligation.

The Letter of Award will constitute the formal instrument of agreement between the Principal and the Member for the Work.

The preferred Member shall sign and return the Letter of Award to the Principal's Representative. If the Letter of Award is not returned to the Principal in accordance with the requirements of the Letter of Award, unless otherwise advised in writing by the Principal, the acceptance of your Work Order Offer will be deemed withdrawn, and the GC21 Terms and Conditions terminated, with no compensation payable by the Principal to the Member, including for any work under GC21 Terms and Conditions performed by you prior to the withdrawal.

## **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 GC21 TERMS AND CONDITIONS

## APPENDIX 2 – WORK ORDER REQUEST EXAMPLE

## APPENDIX 3 – LETTER OF AWARD EXAMPLE